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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED RULES

1) Heading of Part: Sustainable Agriculture2) Code Citation: 8 Ill. Adm. Code 7503) Section Numbers: Proposed Action:

750.10 New

750.20 New

750.30 New

750.40 New

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 5, par. 2651 et seq.5) A Complete Description of the Subjects and Issues Involved:

These rules are being established in accordance with the Sustainable Agriculture Act to fund and strengthen developmental research programs that serve production agriculture in Illinois. A committee will be established to seek funding sources for the program. Guidelines are set for projects and proposals.

6) Will this proposed rule replace an emergency rule in effect?: No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed rule contain incorporations by reference? No9) Are there any other amendments pending on this Part? No
Section Numbers Proposed Action Illinois Register Citation10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to Judith Lozier, General Counsel, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

DEPARTMENT OF AGRICULTURE

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12) Initial Regulatory Flexibility Analysis:A) Types of small businesses affected: NoneC) Reporting, bookkeeping or other procedures required for compliance: General office and accounting skillsD) Types of professional skills necessary for compliance: NoneThe full text of the Proposed Rules begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER Q: SOIL AND WATER CONSERVATION

PART 750

SUSTAINABLE AGRICULTURE

Section	Definitions
750.10	Purpose
750.20	Sustainable Agriculture Committee
750.30	Guidelines for Research, Demonstration and Education
750.40	Projects

AUTHORITY: Implementing and authorized by the Sustainable Agriculture Act (Ill. Rev. Stat. 1991, ch. 5, par. 2651 et seq.), P.A. 86-1022, effective January 9, 1990; amended September 3, 1992.

SOURCE: Adopted at ____ Ill. Reg. _____, effective _____.

SECTION 750.10 DEFINITIONS

"Act" means the Sustainable Agriculture Act (Ill. Rev. Stat. 1991, ch. 5, par. 2651 et. seq.) P.A. 86-1022, effective January 9, 1990, as amended September 3, 1992.

"Committee" means the Sustainable Agriculture Committee as defined in Section 5 of the Act.

"Department" means the Illinois Department of Agriculture.

"Farmer" means a person actively involved in producing crops and/or livestock.

"Officer" means the Chairman or Vice-Chairman of the Sustainable Agriculture Committee.

"Production Agriculture" means the act of creating agricultural goods and services.

"Project" means a research, demonstration, or education project conducted by the Department or Qualified Organization.

"Program" means the Sustainable Agriculture Program within the Illinois Department of Agriculture.

"Qualified Organization" means an organization, educational institution, or non-profit group that can demonstrate an understanding of sustainable agriculture practices/systems and has the ability/skills to carry out the project in a timely/professional manner.

"Sustainable Agriculture" means an agriculture that is economically viable, environmentally sound, and socially acceptable.

SECTION 750.20 PURPOSE

The purpose of the Act is to create a Program within the Department to fund and strengthen developmental research programs that serve production agriculture in Illinois. The purposes of the Program are identified in Section 3 of the Act.

SECTION 750.30 SUSTAINABLE AGRICULTURE COMMITTEE

a) A Sustainable Agriculture Committee is established under the authority of Section 5 of the Act, effective January 9, 1990.

1) This Committee shall be comprised of 1 member representing and appointed by the Governor, 1 member representing and appointed by the Board of Higher Education, 1 member representing and appointed by the Department, and 4 members appointed by the Department who are farmers actively involved in production agriculture.

A) Farmer members shall be appointed based upon geographic location, production practices, and leadership abilities so as to represent the diverse interests of farmers and agricultural organizations.

b) The term of office for a Committee member shall be for up to 5 years. The term of office shall expire on January 1, 1995. Beginning January 1, 1995 and every 5 years thereafter, new appointments will be made. There is no limit on the number of terms a Committee member may serve.

1) Vacancies on the Committee shall be filled with an

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NOTICE OF PROPOSED RULES

appointee from the respective field affected by the vacancy as outlined in Section 750.30(a)(1) above. A vacancy shall exist when an appointee resigns from the committee or is deemed to no longer represent the respective field from which he/she was appointed.

- c) The Committee shall meet at least once annually.
- d) Each appointed Committee member is entitled to 1 vote. A Committee member cannot vote by proxy or be represented by another person.
- e) Any action taken by the Committee shall require a majority vote of those members present, provided a quorum is present.
- f) In the event an appointed Committee member misses 3 consecutive meetings of the Committee, the chairman shall declare the position vacant and the procedure for filling vacancies shall be implemented.
- g) Appointed Committee members shall be entitled to actual and necessary travel expenses at the reimbursement rate approved by the State's Travel Control Board while attending meetings of the Committee. Committee members are not entitled to receive any salary.
- h) The Committee shall elect a chairman and vice-chairman from its membership as officers. Officers shall be elected at the first Committee meeting within 60 days, on or after January 1, each year.

- 1) The duties of the Chairman shall be to:

- A) Preside at all meetings of the Committee.
 - B) Call Committee meetings when deemed necessary or when requested by 3 or more Committee members.
 - C) Perform all acts and duties usually required of a presiding officer.
- 2) The duties of the vice-chairman shall be to:
 - A) Perform the duties of the chairman in his/her absence.

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- i) It is the duty of the Committee to seek sources of funding as outlined in Section 5 of the Act for projects described in Section 4 of the Act. Funding secured by the Committee from the state or through grants or other sources shall be placed into a State trust fund as identified in Section 5 of the Act.
- j) Funds obtained by the Committee shall be used by the Department:
 - 1) to pay expenses such as travel, telephone, printing, and postage of Committee members incurred while performing their duties and responsibilities;
 - 2) to provide funds for the various research, demonstration and education projects approved by the Department which address the purposes of the Act; and
 - 3) to print and disseminate information concerning projects funded by the Program.

SECTION 750.40 GUIDELINES FOR RESEARCH, DEMONSTRATION AND EDUCATION PROJECTS

- a) Proposals for research, demonstration and education projects shall contain the following information on Application Form SA 93-01 provided by the Department:

- 1) name of organization, address and telephone number;
- 2) name of organization representative or project coordinator;
- 3) other major participants and/or cooperating agencies/organizations and their involvement in the project;
- 4) abstract/background information of organization;
- 5) objectives and rationale for the project;
- 6) organizational plan of work, activities and timetable;
- 7) approach and methods for implementing the project;
- 8) statement of anticipated social, economic, and

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environmental impact; and

- 9) itemized costs of the project.

b) The Department shall solicit project application for funding in accord with Section 750.40(c) below, on an annual basis as funding becomes available.

- 1) The Department shall consider each project for funding based on its objectives, cost, plan of work, cooperation with other agencies and organizations, the social, economic and environmental impacts, availability of funds, and whether it addresses the purposes as described in the Act (Prioritization Form SA 93-02).

c) Request for proposals will be made available beginning July 1 of each year. The following project funding schedule will be used:

- 1) Applications for funding must be received by the Department on or before August 31.
- 2) Applications will be prioritized as described in Section 750.40(b)(1) above. Qualified Organizations will be notified by the Department of tentative project approval by October 1.
- 3) Contracts signed and final funding approval given by the Department by October 31.
- 4) Program funding begins with one half of contracted funds forwarded by the Department to grant project recipients on or about November 1.
- 5) First progress report on projects must be received by the Department before March 1.
- 6) Second progress report on project must be submitted to the Department before June 30.
- 7) Final one-half of contracted funds forwarded by the Department to project recipients by June 30.
- 8) Detailed Summary of project must be received by the Department on or before December 1.
- d) The Department will monitor the progress of each project,

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and upon its completion, consolidate the results. The results will be made available to any individual, group, or organization requesting the information.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Child Custody Investigations and Supervision Related to Custodian or Visitation Judgements
- 2) Code Citation: 89 Ill. Adm. Code 330
- 3) Section Numbers: Proposed Action:
330.5 Amendment
330.6 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23 and 608, pars. 40 and 5005
- 5) A Complete Description of the Subjects and Issues Involved: These amendments add a revised schedule of projected costs related to court ordered child custody investigations and/or supervised visitations. The changes are in compliance with Public Act 87-824, which allows the Department to submit projected costs to the court when the court has determined that the involved parties are financially able to pay the incurred cost.
- 6) Will this proposed amendment replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date: Yes X No
If "Yes," date: _____
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/524-1983

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
 - B) Types of small businesses affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: Not applicable
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 330

CHILD CUSTODY INVESTIGATIONS AND SUPERVISION
RELATED TO
CUSTODIAN OR VISITATION JUDGMENTS

Section	Purpose
330.1	Definitions
330.2	Conducting the Investigation
330.3	Custody or Visitation Supervision
330.4	Reports
330.5	Costs
330.6	

AUTHORITY: Implementing and authorized by Sections 605 and 608 of the Illinois Marriage and Dissolution of Marriage Act (Ill. Rev. Stat. 1979, 1991, ch. 605 608, par. 40) and Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005).

SOURCE: Adopted and codified at 5 Ill. Reg. 6731, effective June 26, 1981; amended at 17 Ill. Reg. _____, effective _____.

Section 330.5 Reports

- a) A report concerning a child custody investigation shall be prepared by the Department and shall be sent at least ten (10) calendar days before the hearing to the legal counsel representing each party, to anyone else who is representing each party, and to each party who is not represented by counsel. Also upon request, the Department shall make a photocopy of the case file of the investigation, as provided in ~~Illinois Revised Statutes, Chapter 40, Section 605~~, Ill. Rev. Stat. 1991, ch. 23, par. 5005, available to legal counsel representing each party, to anyone else who is representing each party, or to each party who is not represented by counsel. The costs of photocopying will be detailed as per Section 330.6 below. The names and addresses of the persons consulted for information shall be included in the case file. Any party has the right to cross-examine the investigator or those

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
NOTICE OF PROPOSED AMENDMENTS

persons contacted by the investigator. Department staff shall appear at the hearing only when subpoenaed.

- b) Both parties to custodian or visitation judgments shall be notified in writing of the Department's supervisory role. Reports concerning supervision specific arrangements related to custodian or supervised visitation judgments shall be submitted in writing to the judge according to the instructions in court within sixty (60) days of the court order.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

Section 330.6 Costs

- a) When the child custody investigation report is sent to the counsel of the parties, the Department shall request, in writing, that the court enter an order against either or both parties to pay for Department-incurred costs. In ~~custodian or visitation judgment supervision situations, the Department shall send to the court monthly information related to costs incurred by the Department. The following cost schedule shall be utilized:~~

- b) When the court has ordered supervised visitation, the Department shall submit in writing the projected monthly costs within sixty (60) days of the court order. The projected costs shall be sent to the court only for cases where the court has determined that the parties are financially able to pay. The court may order additional periodic reports, as appropriate.

- c) The following cost schedule shall be used to project monthly incurred cost:

Worker Time	- \$11.00/hour \$18.25/hour
Clerical Time	- \$6.50/hour \$11.11/hour
Travel	- Department of Administrative Services travel rule rate - (80 Ill. Adm. Code 3000)
Photocopies	- 10¢/page
Diagnostic Assessment	- Actual Expenditure

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

CRIMINAL JUSTICE INFORMATION AUTHORITY

CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 150
- 3)

<u>Section Numbers:</u>	<u>Proposed Action</u>
150.10	New Section
150.20	New Section
150.30	New Section
150.40	New Section
150.50	New Section
150.60	New Section
- 4) Statutory Authority: Americans With Disabilities Act of 1990 (42 USC 12101 et seq.); Section 35.107 of the Title II regulations, 28 CFR Part 35; Sections 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 (42 USC 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9); Section 505 of the Rehabilitation Act of 1973 (29 USC 794a); and Section 7 of the Illinois Criminal Justice Information Act (Ill. Rev. Stat. Ch. 38, pars. 210-7(o) and (r)).
- 5) A complete description of the subjects and issues involved: These rules establish the formalized method by which qualified persons with disabilities who are protected against discrimination by federal and state laws may file a complaint of alleged violation by the Illinois Criminal Justice Information Authority (Authority) with the Authority and by which such claims will be investigated and resolved by the Authority.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference?
No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or expand a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit written comments or arguments concerning these proposed rules. Written submissions shall be filed with:

Ms. Jan Oncken

EEO Officer

Illinois Criminal Justice Information Authority

120 S. Riverside Plaza

Chicago, IL. 60606-3997

Telefax: (312) 793-8422

TDD: (312) 793-4170

- 12) Initial Regulatory Flexibility Analysis:

These proposed rules do not affect small businesses.

The full text of the Proposed Rules begins on the next page:

CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 150
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purpose
150.10	Procedures
150.20	Investigation Findings
150.30	Final Level
150.40	Accessibility
150.50	Case-by-Case Resolution
150.60	

AUTHORITY: Implementing and authorized by the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.); Section 35.107 of the Title II regulations, 28 CFR Part 35; Sections 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 (42 USC 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9); Section 505 of the Rehabilitation Act of 1973 (29 USC 794a); and Section 7 of the Illinois Criminal Justice Information Act (Ill. Rev. Stat. Ch. 38, pars. 210-7(o) and (r)).

SOURCE: Adopted at ___ Ill. Reg. ___, effective ___, 1992.

Section 150.10 Purpose

a) The purpose of the Illinois Criminal Justice Information Authority's grievance procedure for discrimination complaints is to establish a formalized method whereby discrimination complaints by qualified individuals with disabilities can be detected at the beginning stages, investigated, and, hopefully, resolved.

b) To that end, the Illinois Criminal Justice Information Authority (Authority) shall respond to complaints of discrimination by qualified individuals with disabilities. The Authority's Equal Employment Opportunity (EEO) Officer shall be responsible for the investigation of complaints, documentation of facts, and presentation of findings, and for advising management regarding recommendations to resolve the dispute.

CRIMINAL JUSTICE INFORMATION AUTHORITY

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c) It is the intention of the Authority to foster open communication with all individuals requesting readily accessible programs, services and activities. The Authority requires that each program, service and activity offered, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities and encourages Authority supervisors of agency programs, services and activities to respond to requests for reasonable accommodations before they become discrimination complaints.

d) The use of this grievance procedure for discrimination complaints does not preclude the right of a member of the public to file a charge directly with the Illinois Department of Human Rights or the United States Equal Employment Opportunity Commission (EEOC). The filing of any complaint of alleged discrimination may not be used as a basis for future retaliation adversely affecting the rights of any member of the public.

Section 150.20 Procedures

a) General.

1) The Authority shall, upon being informed of an individual's desire to file a formal discrimination complaint, instruct the individual how to obtain a copy of this Procedure and a form prescribed by the Authority and shall, upon request, assist the individual in the completion of the form.

2) Discrimination complaints shall be made on the discrimination complaint form and shall be used to clearly record the date, nature, and other information pertinent to the complaint of alleged discrimination. The discrimination complaint form shall be submitted, in a timely manner, to:

Authority EEO Officer
Illinois Criminal Justice Information Authority
Suite 1016, 120 South Riverside Plaza
Chicago, Illinois 60606.

3) The discrimination complaint form must be completed in full to receive proper consideration by the Authority's EEO Officer.

CRIMINAL JUSTICE INFORMATION AUTHORITY

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b) Timeliness. Unless there are extenuating circumstances, all complaints must be received by the Authority's EEO Officer in writing within ten (10) working days after the date of the last incident of alleged discrimination. Time limits established in this procedure may be extended by mutual agreement in writing, signed by the complainant and the Executive Director of the Authority.

c) Screening. When a completed discrimination complaint form is received in a timely fashion, the Authority's EEO Officer will proceed to investigate the alleged discrimination, with the result and recommendation of findings due within ten (10) working days. When applicable, the complainant's immediate supervisor will be contacted for relevant information. All concerned parties will be contacted and requested to avail themselves to a fact-finding conference.

d) Withdrawal of the Complaint. The complaint, or part of the complaint allegation, may be withdrawn by the complainant during the investigation of the complaint upon receipt by the Authority's EEO Officer of a written request for withdrawal.

e) Dismissal of the Complaint. If, after an analysis of the merits of the complaint by the Authority's EEO Officer, there is a lack of substantial evidence to believe that discrimination has occurred, the Authority's EEO Officer shall document the efforts to investigate the complaint and forward the documentation to the Executive Director for final review pursuant to Section 150.40

Section 150.30 Investigation Findings

At the conclusion of the investigation, if there exists reasonable cause to believe that discrimination may have occurred, the Authority's EEO Officer shall submit a written notice to the complainant with the findings and recommendations to resolve the complaint. If the complaint cannot be satisfactorily resolved at this level within five (5) working days, the Authority's EEO Officer shall document the efforts made to resolve the complaint and shall provide a written explanation of the reasons why the complaint was not able to be resolved.

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Section 150.40 Final Level

a) The investigation findings, conciliation efforts, and proposed settlement shall be forwarded by the EEO Officer to the Executive Director of the Authority (or in case the Executive Director is unavailable, to the Authority's Deputy Executive Director) for final review, approval or other determination. The Executive Director (or Deputy Executive Director) may conduct interviews and seek relevant advice and information with respect to the complaint. The complainant shall be afforded an opportunity to appear before the Executive Director (or Deputy Executive Director) and shall have a right to appoint a representative to appear on the complainant's behalf.

b) The Executive Director (or Deputy Executive Director) shall provide in writing to the complainant and the Authority's EEO Officer the official position of the agency and the reasons for that position within five (5) working days of the receipt of the EEO Officer's written report. The Executive Director's (or Deputy Executive Director's) decision shall be the final decision of the Authority.

Section 150.50 Accessibility

All stages of this Procedure shall be readily accessible to and usable by individuals with disabilities consistent with federal and state laws and regulations.

Section 150.60 Case-by-Case Resolution

Each grievance involves a unique set of factors which include, but are not limited to: the specific nature of the disability, the essential eligibility requirements, the benefits to be derived, the nature of the service, program or activity at issue, the health and safety of others, and whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:

350.175	Amendments
350.180	Amendments
350.270	Amendments
350.640	Amendments
350.680	Amendments
350.685	Amendments
350.3210	Amendments
350.3330	Amendments
350.Appendix A	Repealer

Proposed Action:4) Statutory Authority:
Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 350 govern the licensure of long-term care facilities that provide skilled nursing and intermediate care facilities. The Department is amending the rules to reflect legislation enacted during the 1991 session of the General Assembly. Additional changes will clarify the Department's policies and facilitate the administration of the rules and the Nursing Home Care Act.

Section 350.175 - This Section is being amended pursuant to Public Act 87-412 (House Bill 2486), effective January 1, 1992, which amended Section 16 of the Illinois Administrative Procedure Act to authorize State licensing agencies to revoke or refuse to renew the licenses of individuals who are found to be more than 30 days delinquent in complying with a child support order. Licensees who are individuals will be subject to denial of licensure renewal under this provision.

Section 350.180 - Also in accordance with Public Act 87-412, licensees who are individuals will be subject to licensure revocation if they are more than 30 days delinquent in complying with a child support order.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 350.270 - A definition of "emergency" is being added in accordance with Section 3-501 of the Nursing Home Care Act, as amended by Public Act 87-549 (House Bill 489), effective January 1, 1992. An emergency, for the purposes of placement of a monitor in a facility, means "a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct."

Section 350.640 - Public Act 87-225 (Senate Bill 510, effective January 1, 1992) amended Section 2-202(a) of the Nursing Home Care Act to require that before a licensee enters into a contract with a resident, the licensee shall provide the resident and his guardian with written notice of its policy regarding discharge of a resident whose private funds for payment of care are exhausted. The statutory language is being added as subsection (c). Subsection (s) is being amended to include statutory language from the Life Care Facilities Act.

Section 350.680 - The amendments to Section 300.660 will implement changes in the Department's nurse aide training program and correspond to amendments to 77 Ill. Adm. Code 395, Long-Term Care Assistants and Aides Training Program Code. Statutory language is also being updated, and two new statutory provisions concerning information contained in the Department's the nurse aide registry are being added pursuant to Public Act 87-691 (House Bill 2465, effective January, 1992).

Section 350.685 - This section is being amended to require that student interns be evaluated and deemed competent in accordance with the standards set forth in 77 Ill. Adm. Code 395.300 before performing basic nurse assistant skills. Medical procedures may not be performed by student interns, and other specified procedures are to be performed only under the direct, immediate supervision of a licensed nurse.

Section 350.3210 - Section 350.3210 is being amended to implement Public Act 87-549 (House Bill 489, effective January 1, 1992), which requires facilities to make reasonable efforts to prevent loss and theft of residents' property. The definition of "emergency" included in P.A. 87-549, for purposes of placing a facility under receivership, is also being added to the rule.

Section 350.3330 - The Department is adding statutory language from Public Act 87-549 (House Bill 489, effective January 1, 1992) concerning the resident rights information provided to residents and their guardians at the time of admission to a facility.

Section 350.Appendix A - The repeal of Appendix A was inadvertently omitted from a previously proposed amendment clarifying the Department's policies on licensure of distinct parts (15 Ill. Reg. 18357 - December 27, 1991 Illinois Register).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No ___

If "yes," please specify type: 6.02(a) X or 6.02(b) ___

9) Are there any other Proposed Amendments Pending on this Part?

Yes X No ___

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.3730	Amendments	16 Ill. Reg. 4791

10) Statement of Statewide Policy Objectives:

This rulemaking will not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

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12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Intermediate care facilities for the developmentally disabled.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers

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350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

350.510	Administrator
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SUBPART C: POLICIES

350.610	Management Policies
350.620	Resident Care Policies
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210	Health Services
350.1220	Physician Services
350.1225	Tuberculin Skin Test Procedures

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350.1230 Nursing Services
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
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SUBPART I: FOOD SERVICE

350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
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350.1850 Adequacy of Diet and Meal Pattern
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350.1870 Scheduling Meals
350.1880 Menu Planning
350.1890 Food Preparation and Service
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SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

350.2010 Maintenance
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES
350.2210 Furnishings
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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL
350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
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SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
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350.2720 Mechanical Systems
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
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350.2970 Living, Dining, Activities Rooms
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Structural
Mechanical Systems
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SUBPART O: RESIDENT'S RIGHTS

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General
Medical and Personal Care Program
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Abuse and Neglect
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Contract With Facility
Private Right of Action
Transfer or Discharge
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SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

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Applicability of Other Provisions of this Part
Administration
Admission and Discharge Policies
Personnel
Consultation Services and Nursing Services
Medication Policies
Food Services
Codes and Standards
Administration and Public Areas
Bedrooms
Nurses Station
Bath and Toilet Rooms
Utility Rooms
Living, Dining, Activity Rooms
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General Building Requirements
Corridors

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Special Care Room
Exit Facilities and Subdivision of Floor Areas
Stairways, Vertical Openings and Doorways
Hazardous Areas and Combustible Storage
Mechanical Systems
Heating, Cooling, and Ventilating Systems
Plumbing Systems
Electrical Systems
Fire Alarm and Detection System
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Fire Protection
Construction Types
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SUBPART Q: DAY CARE PROGRAMS

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Day Care in Long-Term Care Facilities

350.APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service
(Repealed)

350.APPENDIX B Federal Requirements Regarding Residents' Rights

350.APPENDIX C Seismic Zone Map

350.APPENDIX D Forms for Day Care in Long-Term Care Facilities

350.TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled

350.TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled

350.TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

350.TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less

350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less

350.TABLE F Disaster Preparedness Parameters-Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982;

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amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556 effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574, 15578, and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 350.175 Denial of Renewal of License

- a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 350.165(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-65), licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
 - 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and ~~these rules~~ this Part on which the application for renewal is being denied.

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- 2) A statement of the date on which the current license of the facility will expire as provided in Subsection (c) of this Section and Section 3-119(d) of the Act.
- 3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)
- c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act.
- d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.180 Revocation of License

- a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 350.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 350.282(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act, licensees who are individuals are subject to revocation of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
 - 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and this Part on which the license is being revoked.
 - 2) A statement of the date on which the revocation will take effect as provided in Subsection (c) of this Section and Section 3-119(d) of the Act.
 - 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)
- c) The effective date of the revocation of a license shall be as provided in Section 3-119(d) of the Act.

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- d) The effective date of the revocation shall be ~~EXTENDED BY THE DEPARTMENT~~ extended by the Department when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.270 Monitor and Receivership

- a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR IN A FACILITY WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:

- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
- 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE;

- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF BECAUSE OF THE UNWILLINGNESS OF THE INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY; or

- 5) The Department receives notification that THE FACILITY IS TERMINATED OR WILL NOT BE RENEWED FOR PARTICIPATION IN THE FEDERAL REIMBURSEMENT PROGRAM UNDER EITHER TITLE XVIII (Medicaid) OR TITLE XIX (Medicare) OF THE SOCIAL SECURITY ACT.

- 6) As used in subsection (a)(4), "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

- b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
- 2) have an understanding of the needs of nursing home residents as evidenced by one

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year of experience in working with the elderly in programs such as patient care, social work or advocacy;

- 3) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal interview of the candidate;

- 4) not be related to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;

- 5) have successfully completed a baccalaureate degree; and

- 6) have two years full-time work experience in the long-term care industry of the State of Illinois.

- c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:

- 1) visit the facility at least five days per week or as directed by the Department;
- 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;
- 3) provide to the Department a weekly written report and a daily oral report detailing the observed conditions of the facility; and
- 4) shall be available as a witness for hearings involving the condition for placement as monitor.

- d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department. ~~Plus, In~~ addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department, or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

- e) The assignment as monitor may be terminated at any time by the Department.

- f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to

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consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
- 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work or advocacy;
- 3) have an understanding and working knowledge of the Act and this Part as evidenced in a personal interview of the candidate;
- 4) have successfully completed a baccalaureate degree; and
- 5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

- 1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities, or make other provisions for their continued health;
- 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;
- 3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT (Ill. Rev. Stat. 198791, ch. 85, par. 1-101 et. seq.). A RECEIVER MAY BE HELD

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LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF JUDICIARY DUTY. (Section 3-513 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.640 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED; OR

- C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE

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EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of ~~these rules~~ this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

- c) BEFORE A LICENSEE ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act) The facility policy shall be in compliance with State and federal law.

- d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

- e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

- f) The contract shall be signed by the licensee or his agent. The title of each person signing

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the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

- h) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.

- i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

- j) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

- k) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

- l) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)

- m) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

- n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

- o) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

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- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

0# THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

(e) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act)

g) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT. EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-21 OF THE ACT. (Section 2-202(g)(6) of the Act)

THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT.

(Section 2-202(h) of the Act)

THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE

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DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

(9) After July 1, 1982, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, nursing services, medical services or personal care services, in addition to maintenance services, TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1987-1, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

(u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985, SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(f) of the Act)

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v#) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.680 Developmental Disabilities Aides

a) Each of the facility's developmental disabilities aides shall comply with one of the following conditions no later than 45 days after the date of initial employment.

- 1) Provide documentation of registration on the Department's Nurse Aide Registry ~~as of July 1, 1990, or later.~~
- 2) Enroll in a 120-hour Department approved developmental disabilities aide training program that has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) The program coursework shall be successfully completed by the ~~developmental disabilities aide~~ no later than 120 days after the date of initial employment. Nurse aides who are enrolled in approved courses in community colleges or other educational institutions on a term, semester, or trimester basis shall be exempt from the 120 day completion time limit.
- 3) Provide documentation of current registration from another state of ~~certification as a nursing assistant on or after January 1, 1990~~ developmental disabilities aide.
- 4) Provide documentation of successful completion of a developmental disabilities aide training course approved by another state as evidenced by a diploma ~~or~~ certificate, or other written verification from the school. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).
- 5) Provide documentation of successful completion of the Mental Health Technician Training Program conducted by the Department of Mental Health and Developmental Disabilities.
- 6) ~~Register for the Department's developmental disabilities aide proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.~~

b) Each person employed by the facility as a developmental disabilities aide shall meet each of

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the following requirements:

- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)
- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
- 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
- 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
- c) THE FACILITY SHALL CERTIFY THAT EACH DEVELOPMENTAL DISABILITIES AIDE EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)
- d) During inspections of the facility, the Department ~~will REQUIRE DEVELOPMENTAL DISABILITIES AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES~~ may require developmental disabilities aides to demonstrate competency in the principles, techniques, and procedures covered by the developmental disabilities aide training program curriculum described in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395.310), when possible problems in the care provided by developmental disabilities aides or other evidences of inadequate training are observed. Failure to demonstrate competency of the principles, techniques and procedures ~~SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY~~ shall result in the provision of in-service training to the individual by the facility. The in-service training shall address ~~all of the~~ developmental disabilities aide training principles, techniques, and procedures ~~contained in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395).~~ (Section 3-206(a)(5) of the Act)
- e) A facility which conducts a training program for developmental disabilities aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395.200).
- d) A FACILITY SHALL NOT EMPLOY AN INDIVIDUAL AS A NURSE AIDE UNLESS

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THE FACILITY HAS INQUIRED OF THE DEPARTMENT AS TO INFORMATION IN THE REGISTRY CONCERNING THE INDIVIDUAL, e.g. finding of abuse, neglect, or misappropriated resident property. (Section 3-206.01 of the Act)

- g) A facility SHALL NOT EMPLOY ANYONE NOT ON THE REGISTRY UNLESS THE INDIVIDUAL IS ENROLLED IN A TRAINING PROGRAM in accordance with subsection (a)(2) of this Section. (Section 3-206.1 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.685 Student Interns

- a) No person who meets the definition of student intern in Section 350.330 shall be required to complete a current course of training for developmental disabilities aides, or successfully complete the Department's proficiency examination.

- b) The facility may utilize student interns to perform basic developmental disabilities aide practices (see 77 Ill. Adm. Code 395.310), but shall not allow interns to provide rehabilitation nursing (see 77 Ill. Adm. Code 300.1210(b)), in-bed bathing, assistance with skin care, foot care, or to administer enemas, ~~or any medical procedure, except under the direct, immediate supervision of a licensed nurse or certified developmental disabilities aide.~~

- c) No facility shall have more than fifteen percent of its developmental disabilities aide staff positions held by student interns.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 350.3210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW BASED ON THEIR STATUS AS A RESIDENT OF A FACILITY. (Section 2-101 of the Act) (A, B)
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. (Section 2-103 of the Act)
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. (Section 2-103 of the Act)

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- d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. (Section 2-103 of the Act)

- e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. (Section 2-103 of the Act)

- f) THE FACILITY SHALL MAKE REASONABLE EFFORTS TO PREVENT LOSS AND THEFT OF RESIDENTS' PROPERTY. THOSE EFFORTS SHALL BE APPROPRIATE TO THE PARTICULAR FACILITY AND MAY, for example, INCLUDE, BUT ARE NOT LIMITED TO, STAFF TRAINING AND MONITORING, LABELING PROPERTY, AND FREQUENT PROPERTY INVENTORIES. (Section 2-103 of the Act)

- g) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENTS' PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. (Section 2-103 of the Act)

- h) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENT'S ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S MEDICAL RECORDS. (Section 2-108(c) of the Act)

- i) There shall be no traffic through a resident's room to reach any other area of the building. (B)

- j) Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.

- k) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. (Section 2-113 of the Act)

- l) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. (Section 2-109

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of the Act)

(m) All facilities shall comply with the Election Code (Ill. Rev. Stat. 1987) ch. 46, par. 1-1 et seq.) as it pertains to absentee voting for residents of licensed long-term care facilities.

(n) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE REPRESENTATIVE'S DEATH APPEARS TO BE IMMINENT. (Section 2-208 of the Act)

(o) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. (B)

(p) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. (Section 3-503 of the Act) AS USED IN SECTION 3-503 OF THE ACT, "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350.3330 Facility Implementation

a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN ARTICLE II OF THE ACT. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. (Section 2-210 of the Act)

b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies representative payees and the public.

c) EACH RESIDENT AND RESIDENT'S GUARDIAN OR OTHER PERSON ACTING FOR

THE RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY EXPLANATION PREPARED BY THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT AND IN PART 4 OF ARTICLE III. FOR RESIDENTS OF FACILITIES PARTICIPATING IN TITLE 18 OR 19 OF THE SOCIAL SECURITY ACT, THE EXPLANATION SHALL INCLUDE AN EXPLANATION OF RESIDENTS' RIGHTS ENUMERATED IN THE ACT. THE EXPLANATION SHALL BE GIVEN AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THIS RESIDENT PERMITS BUT IN NO EVENT LATER THAN 48 HOURS AFTER ADMISSION, AND AGAIN AT LEAST ANNUALLY THEREAFTER. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY EXPLANATION, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN OR OTHER PERSON ACTING FOR HIM, BOTH THE RESIDENT AND THE PARENT, OR GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. (Section 2-211 of the Act)

d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights.

e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART. (B) (Section 2-211 of the Act) (B)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 350. APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)

A long-term care facility may have one or more distinct parts within the facility classified for skilled care, intermediate care, sheltered care, or intermediate care for the developmentally disabled if the following criteria are satisfactorily met:

1. The distinct part meets the definition of "Distinct Part" as given in Section 250.330 of these standards.

2. The distinct part satisfactorily meets the applicable physical plant standards based on the level of service classification sought for that distinct part. If necessary to protect the health, welfare, and safety of residents in a distinct part requiring higher standards, the Department

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~~shall require compliance with whatever additional physical plant standards are necessary in the sheltered care distinct part, to achieve this protection.~~

~~3. There is separate nursing, auxiliary, and/or personal care staff sufficient in numbers, training, and experience for each distinct part to meet the standards applicable to the classification of the distinct part. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of any of the residents in the facility.~~

~~4. No resident is kept in a distinct part classified for a lower level of service than he requires.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.175	Amendment
390.180	Amendment
390.270	Amendment
390.640	Amendment
390.680	Amendment
390.685	Amendment
390.3210	Amendment
390.3330	Amendment

Proposed Action:4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 390 govern the licensure of long-term care facilities that provide long-term care for persons under age 22. The Department is amending the rules to reflect legislation enacted during the 1991 session of the General Assembly. Additional changes will clarify the Department's policies and facilitate the administration of the rules and the Nursing Home Care Act.

Section 390.175 - This Section is being amended pursuant to Public Act 87-412 (House Bill 2486), effective January 1, 1992, which amended Section 16 of the Illinois Administrative Procedure Act to authorize State licensing agencies to revoke or refuse to renew the licenses of individuals who are found to be more than 30 days delinquent in complying with a child support order. Licensees who are individuals will be subject to be denial of licensure renewal under this provision.

Section 390.180 - Also in accordance with Public Act 87-412, licensees who are individuals will be subject to licensure revocation if they are more than 30 days delinquent in complying with a child support order.

Section 390.270 - A definition of "emergency" is being added in accordance with Section 3-501 of

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the Nursing Home Care Act, as amended by Public Act 87-549 (House Bill 489), effective January 1, 1992. An emergency, for the purposes of placement of a monitor in a facility, means "a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct.

Section 390.640 - Public Act 87-225 (Senate Bill 510, effective January 1, 1992, amended Section 2-202(a) of the Nursing Home Care Act to require that before a licensee enters into a contract with a resident, the licensee shall provide the resident and his guardian with written notice of its policy regarding discharge of a resident whose private funds for payment of care are exhausted. The statutory language is being added as subsection (c). Subsection (s) is being amended to include statutory language from the Life Care Facilities Act.

Section 390.680 - The amendments to Section 300.660 will implement changes in the Department's nurse aide training program and correspond to amendments to 77 Ill. Adm. Code 395, Long-Term Care Assistants and Aides Training Program Code. Statutory language is also being updated, and two new statutory provisions concerning information contained in the Department's nurse aide registry are being added pursuant to Public Act 87-691 (House Bill 2465, effective January 1, 1992.)

Section 390.685 - This Section is being amended to require that student interns be evaluated and deemed competent in accordance with the standards set forth in 77 Ill. Adm. Code 395.300 before performing basic nurse assistant skills. Medical procedures may not be performed by student interns, and other specified procedures are to be performed only under the direct, immediate supervision of a licensed nurse.

Section 390.3210 - Section 390.3210 is being amended to implement Public Act 87-549 (House Bill 489, effective January 1, 1992), which requires facilities to make reasonable efforts to prevent loss and theft of residents' property. The definition of "emergency" included in P.A. 87-549, for purposes of placing a facility under receivership, is also being added to the rule.

Section 390.3330 - The Department is adding statutory language from Public Act 87-549 (House Bill 489, effective January 1, 1992) concerning the resident rights information provided to residents and their guardians at the time of admission to a facility.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ___ No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

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If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No ___

If "yes," please specify type: 6.02(a) X or 6.02(b) ___

9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
(10) Statement of Statewide Policy Objectives:		

(10) Statement of Statewide Policy Objectives:

This proposed rulemaking will neither create nor expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-3 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

long-term care facilities for persons under age 22

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C Reporting, Bookkeeping or Other Procedures Required for Compliance:

none

D Types of Professional Skills Necessary for Compliance:

none

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	License
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.272	Determination to Issue a Notice of Violation or Administrative Warning
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill.

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Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 390.175 Denial of Renewal of License

- a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 390.165(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-65), licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
 - 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and this Part on which the application for renewal is being denied.
 - 2) A statement of the date on which the current license of the facility will expire as provided in subsection (c) of this Section and Section 3-119(d) of the Act.
 - 3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)

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- c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act.
- d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.180 Revocation of License

- a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 390.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 390.282(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act, licensees who are individuals are subject to revocation of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
 - 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and this Part on which the license is being revoked.
 - 2) A statement of the date on which the revocation will take effect as provided in subsection (c) of this Section and Section 3-119(d) of the Act.
 - 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)
- c) The effective date of the revocation of a license shall be as provided in Section 3-119(d) of the Act.
- d) The effective date of the revocation shall be EXTENDED BY THE DEPARTMENT extended by the Department when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 390.270 Monitor and Receivership

a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR IN A FACILITY WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:

- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
- 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE;
- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF BECAUSE OF THE UNWILLINGNESS OR INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY; or
- 5) The Department receives notification that THE FACILITY IS TERMINATED OR WILL NOT BE RENEWED FOR PARTICIPATION IN THE FEDERAL REIMBURSEMENT PROGRAM UNDER EITHER TITLE XVIII (Medicaid) OR TITLE XIX (Medicare) OF THE SOCIAL SECURITY ACT. (Section 3-501 of the Act)
- 6) As used in subsection (a)(4), "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
- 2) have an understanding of the needs of nursing home residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work or advocacy;
- 3) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal interview of the candidate;
- 4) not be related to the owners of the involved facility through blood, marriage or

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common ownership of real or personal property except ownership of stock that is traded on a stock exchange;

- 5) have successfully completed a baccalaureate degree; and
 - 6) have two years full-time work experience in the long-term care industry of the State of Illinois.
- c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:
- 1) visit the facility at least five days per week or as directed by the Department;
 - 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;
 - 3) provide to the Department a weekly written report and a daily oral report detailing the observed conditions of the facility; and
 - 4) shall be available as a witness for hearings involving the condition for placement as monitor.
- d) All communications, including but not limited to data, memoranda, correspondence, records and reports, shall be transmitted to and become the property of the Department. ~~plus;~~ In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department, or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.
- e) The assignment as monitor may be terminated at any time by the Department.
- f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:
- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
 - 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working

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- with the elderly in programs such as patient care, social work, or advocacy;
- 3) have an understanding and working knowledge of the Act and this Part as evidenced in a personal interview of the candidate;
 - 4) have successfully completed a baccalaureate degree; and
 - 5) have two years full-time working experience in the Illinois long-term care industry.
- g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.
- h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.
- i) In the case of Department ordered patient transfers, the receiver may:
- 1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities, or make other provisions for their continued health;
 - 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;
 - 3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT ~~THE AFORESAID~~ the aforesaid POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT (Ill. Rev. Stat. 1982⁹¹, ch. 85, par. 1-101 et seq.). A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF FIDUCIARY DUTY. (Section 3-513 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.640 Contract Between Resident and Facility

a) Contract Execution

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- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:
 - A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
 - B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED; OR
 - C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)
- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)
- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-

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14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of ~~these rules~~ this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

- c) BEFORE A LICENSEE ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act) The facility policy shall be in compliance with State and federal law.

- d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

- e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

- f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

- h) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.

- i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY

- ii) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

- ki) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

- lk) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)

Services Provided and Charges

- mi) 1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)

- 2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

- nn) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (mi) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract

- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

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(q#) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

(r#) Deposit Provisions

1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID.
(Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

(s#) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

(t#) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT.
(Section 2-202(h) of the Act)

(u#) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN

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PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

(v#) ~~After July 1, 1982, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, with nursing services, medical services or personal care services, in addition to maintenance services, with addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1982-91, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts.~~
(Section 2(c) of the Life Care Facilities Act)

(w#) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985, SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

(x#) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 390.680 Child Care/Habilitation Aides

- a) Each of the facility's child care/habilitation aides shall comply with one of the following conditions no later than 45 days after the date of initial employment.

- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
- 2) Enroll in a child care/habilitation aide training program, in a developmental disabilities aide training program, or in a Department approved basic nursing assistant training program, which has been approved by the Department under its rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program coursework and the competency evaluations, both written and manual skills, shall be successfully completed and the competency examination passed by the child care/habilitation aide no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis. Nurse aides who are enrolled in approved courses in community colleges or other educational institutions on a term, semester, or trimester basis shall be exempt from the 120 day completion time limit.
- 3) Provide documentation of current registration from another state of certification as a nursing assistant on or after January 1, 1990 indicating that the requirements of 42 CFR 483.151 - 483.154 have been met and that there are no documented findings of abuse, neglect, or misappropriation of property.

- 4) Provide documentation of successful completion of a child care/habilitation aide training program approved by another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (see 77 Ill. Adm. Code 395).

- 5) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school, and successful completion of the written portion of the Department approved nursing assistant competency examination evaluation.

- b) Each person employed by the facility as a child care/habilitation aide shall meet each of the following requirements:

- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)

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- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(1) of the Act)
 - 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A CHILD CARE/HABILITATION AIDE. (Section 3-206(a)(3) of the Act)
 - 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
- c) THE FACILITY SHALL CERTIFY THAT EACH CHILD CARE/HABILITATION AIDE EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

- d) During inspections of the facility, the Department will REQUIRE CHILD CARE/HABILITATION AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES, may require nursing assistants to demonstrate competency in the principles, techniques, and procedures covered by the child care/habilitation aide training program curriculum described in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395), when possible problems in the care provided by child care/habilitation aides or other evidences of inadequate training are observed. The State approved manual skills competency evaluation testing format and forms will be used to determine competency of a nursing assistant when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the child care/habilitation training principles and techniques relative to the procedures in which the nursing assistant was not found competent and procedures contained in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

- e) A facility which conducts a training program for child care/habilitation aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).

- f) A FACILITY SHALL NOT EMPLOY AN INDIVIDUAL AS A CHILD CARE/HABILITATION AIDE UNLESS THE FACILITY HAS INQUIRED OF THE DEPARTMENT AS TO INFORMATION IN THE REGISTRY CONCERNING THE INDIVIDUAL, e.g., finding of abuse, neglect, or misappropriated resident property. (Section 3-206(f) of the Act)

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- g) A facility SHALL NOT EMPLOY ANYONE NOT ON THE REGISTRY UNLESS THE INDIVIDUAL IS ENROLLED IN A TRAINING PROGRAM in accordance with subsection (a)(2) of this Section. (Section 3-206.01 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.685 Student Interns

- a) No person who meets the definition of student intern in Section 390.330 shall be required to complete a current course of training for child care habilitation aides, or successfully complete the Department's proficiency examination.

- b) The facility may utilize student interns to perform basic child care/habilitation aide skills for which they have been evaluated and deemed competent by an approved evaluator using the State approved manual skills competency evaluation ~~practices~~ (see 77 Ill. Adm. Code 395.320), but shall not allow interns to provide rehabilitation nursing (see 77 Ill. Adm. Code 300.1210(b)), in-bed bathing, assistance with skin care, foot care, or to administer enemas, ~~or any medical procedures~~, except under the direct, immediate supervision of a licensed nurse ~~or certified child care/habilitation aide~~.

- c) No facility shall have more than fifteen percent of its nursing and personal care assistant staff positions held by student interns.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW, THE CONSTITUTION OF THE STATE OF ILLINOIS, OR THE CONSTITUTION OF THE UNITED STATES SOLELY ON ACCOUNT OF HIS STATUS AS A RESIDENT OF A FACILITY. (~~A, B~~) (Section 2-101 of the Act) (A, B)
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. (Section 2-103 of the Act)
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. (Section 2-103 of the Act)
- d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. (Section 2-103 of the Act)

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Act)

- e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. (Section 2-103 of the Act)

- f) THE FACILITY SHALL MAKE REASONABLE EFFORTS TO PREVENT LOSS AND THEFT OF RESIDENTS' PROPERTY. THOSE EFFORTS SHALL BE APPROPRIATE TO THE PARTICULAR FACILITY AND MAY, for example, INCLUDE, BUT ARE NOT LIMITED TO, STAFF TRAINING AND MONITORING, LABELING PROPERTY, AND FREQUENT PROPERTY INVENTORIES. (Section 2-103 of the Act)

- g) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENTS' PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. (Section 2-103 of the Act)

- h) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENTS' ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENTS' MEDICAL RECORDS. (Section 2-108(c) of the Act)

- i) There shall be no traffic through a resident's room to reach any other area of the building. (B)

- j) Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.

- k) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. (Section 2-113 of the Act)

- l) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. (Section 2-109 of the Act)

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m) All facilities shall comply with The Election Code (Ill. Rev. Stat. 1987~~91~~, ch. 46, pars. 1-1 et seq.) as it pertains to absentee voting for residents of licensed long-term care facilities.

nn) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. (Section 2-208 of the Act)

oo) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever emergency situations occur such as accidents, sudden illness, disease, unexplained absences, and other circumstances arise, such as extraordinary resident charges, billings, or related administrative matters. (B)

pp) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER CONTROL OF A RECEIVER. (Section 3-503 of the Act) AS USED IN SECTION 3-503 OF THE ACT, "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 390.3330 Facility Implementation

a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN THIS SUBPART. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. (Section 2-210 of the Act)

b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public.

c) EACH RESIDENT AND RESIDENT'S GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE GIVEN A WRITTEN ~~SUMMARY~~ EXPLANATION PREPARED BY THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN OF ALL THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN PART I OF ARTICLE II OF THE ACT AND IN PART 4 OF ARTICLE III, FOR RESIDENTS OF FACILITIES

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PARTICIPATING IN TITLE 18 OR 19 OF THE SOCIAL SECURITY ACT, THE EXPLANATION SHALL INCLUDE AN EXPLANATION OF RESIDENTS' RIGHTS ENUMERATED IN THE ACT. THE EXPLANATION SHALL BE GIVEN AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THE RESIDENT PERMITS, BUT IN NO EVENT LATER THAN 48 HOURS AFTER ADMISSION, AND AT LEAST ANNUALLY THEREAFTER. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN EXPLANATION ~~SUMMARY~~, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN OR OTHER PERSON ACTING FOR HIM, BOTH THE RESIDENT AND THE PARENT, OR GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. (Section 2-211 of the Act)

d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in this Subpart and a copy of all facility policies implementing such rights.

e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART. (B) (Section 2-214~~2~~ of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) The Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:Proposed Action:

330.175 Amendment
 330.180 Amendment
 330.270 Amendment
 330.730 Amendment
 330.916 Repealer
 330.4210 Amendment
 330.4330 Amendment

4) Statutory Authority:

The Nursing Home Care Act
 Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 330 govern the licensure of sheltered care facilities. The Department is amending the rules to reflect legislation enacted during the 1991 session of the General Assembly. Additional changes will clarify the Department's policies and facilitate the administration of the rules and the Nursing Home Care Act.

Section 330.175 - This Section is being amended pursuant to Public Act 87-412 (House Bill 2486), effective January 1, 1992, which amended Section 16 of the Illinois Administrative Procedure Act to authorize State licensing agencies to revoke or refuse to renew the licenses of individuals who are found to be more than 30 days delinquent in complying with a child support order. Licensees who are individuals will be subject to denial of licensure renewal under this provision.

Section 330.180 - Also in accordance with Public Act 87-412, licensees who are individuals will be subject to licensure revocation if they are more than 30 days delinquent in complying with a child support order.

Section 330.270 - A definition of "emergency" is being added in accordance with Section 3-

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501 of the Nursing Home Care Act, as amended by Public Act 87-549 (House Bill 489), effective January 1, 1992. An emergency, for the purposes of placement of a monitor in a facility, means "a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct."

Section 330.730 - Public Act 87-225 (Senate Bill 510, effective January 1, 1992) amended Section 2-202(a) of the Nursing Home Care Act to require that before a licensee enters into a contract with a resident, the licensee shall provide the resident and his guardian with written notice of its policy regarding discharge of a resident whose private funds for payment of care are exhausted. The statutory language is being added as subsection (c). Subsection (s) is being amended to include statutory language from the Life Care Facilities Act.

Section 330.916 - This Section is being repealed to correspond to the repeal of Section 330.913, which became effective on January 1, 1991. Public Act 86-1198, which became effective on October 1, 1990, removed nurse aides employed in sheltered care facilities from the training requirements of the Nursing Home Care Act. Because sheltered care aides do not perform nursing skills and do not complete training courses under 77 Ill. Adm. Code 395, no distinctive requirements for student interns are necessary.

Section 330.4210 - Section 300.3210 is being amended to implement Public Act 87-549 (House Bill 489, effective January 1, 1992), which requires facilities to make reasonable efforts to prevent loss and theft of residents' property. The definition of "emergency" included in P.A. 87-549, for purposes of placing a facility under receivership, is also being added to the rule.

Section 330.4330 - The Department is adding statutory language from Public Act 87-549 (House Bill 489, effective January 1, 1992) concerning the resident rights information provided to residents and their guardians at the time of admission to a facility.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

This proposed rulemaking does not impose or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

sheltered care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

none

D) Types of Professional Skills Necessary for Compliance:

none

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

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330.110	General Requirements
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330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensee Actions
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330.220	Information to Be Made Available to the Public By the Department
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330.272	Determination to Issue a Notice of Violation or Administrative Warning
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330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers

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330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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SUBPART C: POLICIES

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330.720	Admission and Discharges Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
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SUBPART D: PERSONNEL

330.910	Personnel
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns (Repealed)
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110	Medical Care Policies
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330.1130	Communicable Disease Policies
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SUBPART F: RESTORATIVE SERVICES

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

SUBPART G: MEDICATIONS

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Medication Policies
Administration of Medication
Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

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Resident Record Requirements
Content of Medical Records
Records Pertaining to Residents' Property
Retention and Transfer of Resident Records
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Other Facility Record Requirements

SUBPART I: FOOD SERVICE

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Director of Food Services
Dietary Staff in Addition to Director of Food Services
Hygiene of Dietary Staff
Diet Orders
Adequacy of Diet and Meal Pattern
Therapeutic Diets
Scheduling of Meals
Menu Planning
Food Preparation and Service
Food Handling Sanitation
Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

330.2210
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Maintenance
Housekeeping
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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Furnishings
Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

330.2610
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Sewage Disposal
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SHELTERED CARE FACILITIES

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Applicable Requirements (Repealed)
Applicability of These Standards
Submission of a Program Narrative
New Constructions, Additions, Conversions, and Alterations
Preparation and Submission of Drawings and Specifications
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Building Codes
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General Building Requirements
Administration
Corridors
Bath and Toilet Rooms
Living, Dining, Activity Rooms
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Kitchen
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Housekeeping, Service, and Storage
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SUBPART N: FIRE PROTECTION STANDARDS FOR NEW
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Applicable Requirements (Repealed)
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 330.3370 Stairways, Vertical Openings, and Doorways
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 330.3390 Exit Lights and Directional Signs
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 330.3410 Fire Alarm and Detection System
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING
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330.3610 Site
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 330.3640 Corridors
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SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING
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330.3910 Fire Protection
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330.4210 General

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330.4220 Medical and Personal Care Program
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 330.4240 Abuse and Neglect
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 330.4290 Private Right of Action
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SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

330.APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 330.APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repeated)
 330.APPENDIX C Forms for Day Care in Long-Term Care Facilities
 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 330.TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928,

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effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 330.175 Denial of Renewal of License

- a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 330.165(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-65), licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
- b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
 - 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and ~~these rules~~ this Part on which the application for renewal is being denied.
 - 2) A statement of the date on which the current license of the facility will expire as provided in subsection (c) of this Section and Section 3-119(d) of the Act.
 - 3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)
- c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act.
- d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

Section 330.180 Revocation of License

- a) The license of a facility shall be revoked when the Director or his designee finds that

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a condition, occurrence or situation in the facility meets any of the criteria specified in Section 330.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 330.282(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act, licensees who are individuals are subject to revocation of licensure if the individual is more than 30 days delinquent in complying with a child support order.

- b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
 - 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and these rules on which the licensee is being revoked
 - 2) A statement of the date on which the revocation will take effect as provided in subsection (c) of this Section and Section 3-119(d) of the Act)
 - 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)
- c) The effective date of the revocation of a license shall be as provided in Section 3-119(d) of the Act.
- d) The effective date of the revocation shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

Section 330.270 Monitor and Receivership

- a) The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist
 - 1) THE FACILITY IS OPERATING WITHOUT A LICENSE
 - 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
 - 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR

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RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; OR

- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF BECAUSE OF THE UNWILLINGNESS OR INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY.
- 5) As used in subsection (a)(4), "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
 - 2) have an understanding of the needs of nursing home residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work or advocacy;
 - 3) have an understanding of the Act and this Part which are the subject of the monitor's duties as evidenced in a personal interview of the candidate;
 - 4) not be related to the owners of the involved facility through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
 - 5) have successfully completed a baccalaureate degree; and
 - 6) have two years full-time work experience in the long-term care industry of the state of Illinois.
- c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:
- 1) visit the facility at least give days per week or as directed by the Department;
 - 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;

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- 3) provide to the Department a weekly written report and a daily oral report detailing the observed conditions of the facility; and
 - 4) shall be available as a witness for hearings involving the condition for placement as monitor.
- d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department; ~~plus,~~ In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.
- e) The assignment as monitor may be terminated at any time by the Department.
- f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:
- 1) be in good physical and mental health as evidenced by a physical examination by a physician within the last year;
 - 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, or advocacy;
 - 3) have an understanding and working knowledge of the Act and this Part as evidenced by a personal interview of the candidate;
 - 4) have successfully completed a baccalaureate degree; and
 - 5) have two years full-time working experience in the Illinois long-term care industry.
- g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

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- h) The receiver may request that the Director of the Department authorize expenditure from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.
- i) In the case of Department ordered patient transfers, the receiver may:
- 1) assist in providing for the orderly transfer of all residents in the facility to other suitable facility, or make other provisions for their continued health;
 - 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;
 - 3) unless emergency transfer is necessary, explain alternative placement to the resident and provide orientation to the place chosen by the resident or resident's guardian.
- j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT (Ill. Rev. Stat. 1982, ch. 85, par. 1-101 et seq.). A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF FIDUCIARY DUTY. (Section 3-513 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.730 Contract Between Resident and Facility

a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR

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- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 of the "PROBATE ACT OF 1975", AS NOW OR HEREAFTER AMENDED; OR
 - C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)
 - 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)
 - 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)
 - 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part ~~these rules~~, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has

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been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) BEFORE A LICENSEE ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act). The facility policy shall be in compliance with state and federal law.
- d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)
- e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)
- f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
- g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
- h) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.
- i) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)
- j) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO

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REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

- k) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)
- l) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)
- m) Services Provided and Charges
- 1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)
- 2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.
- n) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.
- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.
- o) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

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PUBLIC AID. (Section 2-202(e) of the Act)

lf) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

lh) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)

mh) Services Provided and Charges

1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)

2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

lm) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

on) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

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pe) Deposit Provisions

1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

qp) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

rq) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act) The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act.

sf) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS

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PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

- (s) ~~After July 1, 1992, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, nursing services, medical services, or personal care services, in addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 198791, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act.)~~

- (ut) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS ~~SIGNED OR RENEWED AFTER JULY 1, 1985~~ SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF

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PUBLIC AID. (Section 2-202(j) of the Act)

- (va) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.916 Student Interns (Repealed)

- a) ~~No person who meets the definition of student intern in Section 330.330 shall be required to complete a current course of training for nursing assistants, or successfully complete the Department's proficiency examination.~~
- b) ~~The facility may utilize interns to perform basic nursing and personal care assistant practices (see 77 Ill. Adm. Code 305.300), but shall not allow interns to provide rehabilitation nursing (see 77 Ill. Adm. Code 300.1210(b)), in bed bathing, assistance with skin care, foot care, enemas, or any medical procedure, except under the direct, immediate supervision of a licensed nurse or certified nursing assistant.~~
- e) ~~No facility shall have more than fifteen percent of its nursing and personal care assistant staff positions held by student interns.~~

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

SUBPART Q: RESIDENT'S RIGHTS

Section 330.4210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW BASED ON THEIR STATUS AS A RESIDENT OF A FACILITY. (~~A-B~~) (Section 2-101 of the Act) (A-B)
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OF WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. (Section 2-103 of the Act)
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. (Section 2-103 of the Act)

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d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. (Section 2-103 of the Act)

e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. (Section 2-103 of the Act)

f) THE FACILITY SHALL MAKE REASONABLE EFFORTS TO PREVENT LOSS AND THEFT OF RESIDENTS' PROPERTY. THOSE EFFORTS SHALL BE APPROPRIATE TO THE PARTICULAR FACILITY AND MAY, FOR EXAMPLE, INCLUDE, BUT ARE NOT LIMITED TO, STAFF TRAINING, AND MONITORING, LABELING PROPERTY, AND FREQUENT PROPERTY INVENTORIES. (Section 2-103 of the Act)

g) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENTS' PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. (Section 2-103 of the Act)

h) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENTS' ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENTS' MEDICAL RECORDS.

i) There shall be no traffic through a resident's room to reach any other area of the building. (B)

j) Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.

k) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. (Section 2-113 of the Act)

l) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION, UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S

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CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. (Section 2-109 of the Act)

m) All facilities shall comply with the Election Code (Ill. Rev. Stat. 1987⁹¹, ch. 46, par. 1-1 et seq.) as it pertains to absentee voting for residents of licensed long-term care facilities.

n) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. (Section 2-208 of the Act)

o) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. (B)

p) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. (Section 3-503 of the Act) AS USED IN SECTION 3-503 OF THE ACT, "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT (Section 3-501 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 330.4330 Facility Implementation

a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN ARTICLE II OF THE ACT. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. (Section 2-210 of the Act)

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- b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public.
- c) EACH RESIDENT AND RESIDENT'S GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY EXPLANATION PREPARED BY THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN OF ALL THE RIGHTS ENUMERATED IN PART I OR ARTICLE II OF THE ACT AND IN PART 4 OF ARTICLE III. FOR RESIDENTS OF FACILITIES PARTICIPATING IN TITLE 18 OR 19 OF THE SOCIAL SECURITY ACT, THE EXPLANATION SHALL INCLUDE AN EXPLANATION OF RESIDENTS' RIGHTS ENUMERATED IN THE ACT. THE EXPLANATION SHALL BE GIVEN AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THIS RESIDENT PERMITS, BUT IN NO EVENT LATER THAN 48 HOURS AFTER ADMISSION, AND AGAIN AT LEAST ANNUALLY THEREAFTER. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY EXPLANATION, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN OR OTHER PERSON ACTING FOR HIM, BOTH THE RESIDENT AND THE PARENT, OR GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. (Section 2-211 of the Act)
- d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights.
- e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART. (B) (Section 2-211 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part:
Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation:
77 Ill. Adm. Code 300
- 3) Section Numbers:

300.175	Amendments
300.180	Amendments
300.270	Amendments
300.630	Amendments
300.660	Amendments
300.665	Amendments
300.3210	Amendments
300.3330	Amendments
- 4) Statutory Authority:
Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 300 govern the licensure of long-term care facilities that provide skilled nursing and intermediate care. The Department is amending the rules to reflect legislation enacted during the 1991 session of the General Assembly. Additional changes will clarify the Department's policies and facilitate the administration of the rules and the Nursing Home Care Act.

Section 300.175 - This Section is being amended pursuant to Public Act 87-412 (House Bill 2486), effective January 1, 1992, which amended Section 16 of the Illinois Administrative Procedure Act to authorize State licensing agencies to revoke or refuse to renew the licenses of individuals who are found to be more than 30 days delinquent in complying with a child support order. Licensees who are individuals will be subject to denial of licensure renewal under this provision.

Section 300.180 - Also in accordance with Public Act 87-412, licensees who are individuals will be subject to licensure revocation if they are more than 30 days delinquent in complying with a child support order. In addition, the language referring to denial of licensure renewal is being changed to refer to revocation of licensure.

Section 300.270 - A definition of "emergency" is being added in accordance with Section 3-501 of the Nursing Home Care Act, as amended by Public Act 87-549 (House Bill 489), effective January

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1, 1992. An emergency, for the purposes of placement of a monitor in a facility, means "a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct.

Section 300.630 - Public Act 87-225 (Senate Bill 510, effective January 1, 1992) amended Section 2-202(a) of the Nursing Home Care Act to require that before a licensee enters into a contract with a resident, the licensee shall provide the resident and his guardian with written notice of its policy regarding discharge of a resident whose private funds for payment of care are exhausted. The statutory language is being added as subsection (c). Subsection (s) is being amended to include statutory language from the Life Care Facilities Act.

Section 300.660 - The amendments to Section 300.660 will implement changes in the Department's nurse aide training program and correspond to amendments to 77 Ill. Adm. Code 395, Long-Term Care Assistants and Aides Training Program Code. Statutory language is also being updated, and two new statutory provisions concerning information contained in the Department's the nurse aide registry are being added pursuant to Public Act 87-691 (House Bill 2465, effective January, 1992).

Section 300.665 - This section is being amended to require that student interns be evaluated and deemed competent in accordance with the standards set forth in 77 Ill. Adm. Code 395.300 before performing basic nurse assistant skills. Medical procedures may not be performed by student interns, and other specified procedures are to be performed only under the direct, immediate supervision of a licensed nurse.

Section 300.3210 - Section 300.3210 is being amended to implement Public Act 87-549 (House Bill 489, effective January 1, 1992), which requires facilities to make reasonable efforts to prevent loss and theft of residents' property. The definition of "emergency" included in P.A. 87-549, for purposes of placing a facility under receivership, is also being added to the rule.

Section 300.3330 - The Department is adding statutory language from Public Act 87-549 (House Bill 489, effective January 1, 1992) concerning the resident rights information provided to residents and their guardians at the time of admission to a facility.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

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If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No

If "yes," please specify type: 6.02(a) X or 6.02(b)

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

This proposed rulemaking will neither create nor expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected

Skilled Nursing and Intermediate Care Facilities

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None.

D Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTSTITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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300.120	Application for License
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300.140	Issuance of an Initial License for a New Facility
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300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensure Actions
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300.180	Revocation of License
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300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
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300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
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300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers

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300.330 Definitions
300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

300.510 Administrator

SUBPART C: POLICIES

300.610 Resident Care Policies
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.665 Student Interns
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300.680 Restraints and Safety Devices
300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

300.810 General
300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1040 Behavior Emergencies
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
300.1230 Staffing
300.1240 Additional Requirements

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SUBPART G: RESIDENT CARE SERVICES

300.1410 Activity Program
300.1420 Specialized Rehabilitation Services
300.1430 Work Programs

SUBPART H: MEDICATIONS

300.1610 Medication Policies and Procedures
300.1620 Conformance With Physician's Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

300.1810 Resident Record Requirements
300.1820 Content of Medical Records
300.1830 Records Pertaining to Residents' Property
300.1840 Retention and Transfer of Resident Records
300.1850 Other Resident Record Requirements
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SUBPART J: FOOD SERVICE

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300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Adequacy of Diet and Meal Pattern
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300.2070 Scheduling Meals
300.2080 Menu Planning
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SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

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300.2230

Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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Dining, Living, Activities Rooms

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Therapy and Personal Care

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Application of Other Divisions of These Minimum Standards, Rules and Regulations

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300.APPENDIX A Interpretation, Components and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
 300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
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 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation
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 300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
 300.TABLE D Disaster Preparedness Parameters -- Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984;

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amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 1052, effective December 24, 1987; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989, amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 300.175 Denial of Renewal of License

a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 300.165(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-65), licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.

b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and this Part on which the application for renewal is being denied.
- 2) A statement of the date on which the current license of the facility will expire as provided in subsection (c) of this Section and Section 3-119(d) of the Act.
- 3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act)

c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act.

d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

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a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR IN A FACILITY WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:

- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
- 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE;
- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF BECAUSE OF THE UNWILLINGNESS OR INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY; or
- 5) The Department receives notification that THE FACILITY IS TERMINATED OR WILL NOT BE RENEWED FOR PARTICIPATION IN THE FEDERAL REIMBURSEMENT PROGRAM UNDER EITHER TITLE XVIII (Medicaid) OR TITLE XIX (Medicare) OF THE SOCIAL SECURITY ACT. (~~Section 3-501 of the Act~~)

6) As used in subsection (a)(4), "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;_i
- 2) have an understanding of the needs of nursing home residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, or advocacy;_i
- 3) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal interview of the candidates;_i
- 4) not be related to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.180 Revocation of License

a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 300.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided in Section 300.282(b). Pursuant to Section 10-65 of the Illinois Administrative Procedure Act, licensees who are individuals are subject to revocation of licensure if the individual is more than 30 days delinquent in complying with a child support order.

b) When the Director or his designee determines that the license ~~an application for renewal of~~ ~~license of~~ a facility is to be revoked ~~denied~~, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT A clear and concise statement of the basis of the revocation~~denial~~. The statement shall include a citation to the provisions of the Act and this Part on which the license is being ~~revoked~~~~application for renewal is being denied~~.
- 2) A statement of the date on which the revocation will take effect ~~current license of the facility will expire~~ as provided in subsection (c) of this Section and Section 3-119(d) of the Act.
- 3) A description of ~~THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING.~~ ~~(Section 3-119(b) of the Act)~~ the right of the facility to appeal the revocation of the license and the right to a hearing.

c) The effective date of the ~~revocation~~ ~~nonrenewal~~ of a license shall be as provided in Section 3-119(d) of the Act.

d) The effective date of the revocation ~~current license of the facility~~ shall be ~~EXTENDED BY THE DEPARTMENT~~ extended by the Department when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.270 Monitor and Receivership

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traded on a stock exchange;

- 5) have successfully completed a baccalaureate degree; and
 - 6) have two years full-time work experience in the long-term care industry of the State of Illinois.
- c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:
- 1) visit the facility at least five days per week or as directed by the Department;
 - 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;
 - 3) provide to the Department a weekly written report and a daily oral report detailing the observed conditions of the facility; and
 - 4) shall be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department. ~~Plus:~~ In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

e) The assignment as monitor may be terminated at any time by the Department.

f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
- 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working

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with the elderly in programs such as patient care, social work, or advocacy;

- 3) have an understanding and working knowledge of the Act and this Part as evidenced in a personal interview of the candidate;
 - 4) have successfully completed a baccalaureate degree; and
 - 5) have two years full-time working experience in the Illinois long-term care industry.
- g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.
- h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

- 1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities, or make other provisions for their continued health;
- 2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;

3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID the aforesaid POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT (Ill. Rev. Stat. 1987, ch. 85, par. 1-101 et seq.). A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF FIDUCIARY DUTY. (Section 3-513 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of ~~these rules~~ this Part, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

c) BEFORE A LICENSEE ENTERS A CONTRACT UNDER SECTION 2-202 OF THE ACT, IT SHALL PROVIDE THE PROSPECTIVE RESIDENT AND HIS GUARDIAN, IF ANY, WITH WRITTEN NOTICE OF THE LICENSEE'S POLICY REGARDING DISCHARGE OF A RESIDENT WHOSE PRIVATE FUNDS FOR PAYMENT OF CARE ARE EXHAUSTED. (Section 2-202(a) of the Act) The facility policy shall be in compliance with State and federal law.

d) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

e) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

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a) Contract Execution

1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR

B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED; OR

C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS,

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lg) The contract shall include a definition of "responsible party" or "guarantor," which describes in full the liability incurred by any such person.

lh) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

li) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(c) of the Act)

lj) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

lk) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)

lm) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. (Section 2-202(g)(2) of the Act)

ln) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection **lm)** of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed, then such additional cost shall be specified in the contract.

2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set

forth in the contract.

on) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENT DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

po) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act)

qp) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

rq) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)

sf) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN

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PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

- (s) ~~After July 1, 1992, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1989-1, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2c of the Life Care Facilities Act)~~

- (u) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS ~~SIGNED OR RENEWED AFTER JULY 1, 1985,~~ SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

- (v) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 300.660 Nursing Assistants

- a) Each of the facility's nursing assistants shall comply with one of the following conditions no later than 45 days after the date of initial employment.
- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
 - 2) Enroll in a Department approved Basic Nursing Assistant Training Program which ~~has been approved by the Department under its rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination.~~ The program coursework and the competency evaluations, both written and manual skills, shall be successful no later than 120 days after the date of initial employment, ~~unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.~~ Nurse aides who are enrolled in approved courses in community colleges or other educational institutions on a term, semester, or trimester basis shall be exempt from the 120 day completion time limit.
 - 3) Provide documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 - 483.154 have been met and that there are no documented findings of abuse, neglect, or misappropriation of property ~~or certification as a nursing assistant on or after January 1, 1990.~~
 - 4) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency ~~examination~~ evaluation.
 - 5) Provide documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395), as evidenced by a diploma, certificate, or other written verification, and successful completion of the written portion of the Department approved nursing assistant competency evaluation.
- b) Each person employed by the facility as a nursing assistant shall meet each of the following requirements:
- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)

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- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
- 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
- 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)

c) THE FACILITY SHALL CERTIFY THAT EACH NURSING ASSISTANT EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)

d) During inspections of the facility, the Department ~~will require nursing assistants to demonstrate competency in the principles, techniques, and procedures covered by the basic nursing assistant training program curriculum described in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395), when possible problems in the care provided by nursing assistants or other evidences of inadequate training are observed. The State approved manual skills competency evaluation testing format and forms will be used to determine competency of a nursing assistant when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address all of the basic nursing assistant training principles, and techniques, and procedures relative to the procedures in which the nursing assistant was not found competent contained in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395).~~ (Section 3-206(a)(5) of the Act)

e) A facility which conducts a training program for nursing assistants shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395.200)

f) A FACILITY SHALL NOT EMPLOY AN INDIVIDUAL AS A NURSE AIDE UNLESS THE FACILITY HAS INQUIRED OF THE DEPARTMENT AS TO INFORMATION IN THE REGISTRY CONCERNING THE INDIVIDUAL, e.g. finding of abuse, neglect, or misappropriated resident property. (Section 3-206.01 of the Act)

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- g) A facility SHALL NOT EMPLOY ANYONE NOT ON THE REGISTRY UNLESS THE INDIVIDUAL IS ENROLLED IN A TRAINING PROGRAM in accordance with subsection (a)(2) of this Section. (Section 3-206.01 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.665 Student Interns

a) No person who meets the definition of student intern in Section 300.330 shall be required to complete a current course of training for nursing assistants, or successfully complete the Department's proficiency examination.

b) The facility may utilize student interns to perform basic nursing assistant skills for which they have been evaluated and deemed competent by an approved evaluator using the State approved manual skills competency evaluation testing format and forms ~~practices~~ (see 77 Ill. Adm. Code 395.300), but shall not allow interns to provide rehabilitation nursing (see Section 300.1210(b)), in-bed bathing, assistance with skin care, foot care, or to administer enemas, ~~or any medical procedure, except under the direct, immediate supervision of a licensed nurse or certified nursing assistant.~~

c) No facility shall have more than fifteen percent of its nursing assistant staff positions held by student interns.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART P. RESIDENT'S RIGHTS

Section 300.3210 General

a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW BASED ON THEIR STATUS AS A RESIDENT OF A FACILITY. (A, B) (Section 2-101 of the Act) (A, B)

b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. (Section 2-103 of the Act)

c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. (Section 2-103 of the Act)

d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. (Section 2-103 of the Act)

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- c) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. (Section 2-103 of the Act)

- d) THE FACILITY SHALL MAKE REASONABLE EFFORTS TO PREVENT LOSS AND THEFT OF RESIDENTS' PROPERTY. THOSE EFFORTS SHALL BE APPROPRIATE TO THE PARTICULAR FACILITY AND MAY, FOR EXAMPLE, INCLUDE, BUT ARE NOT LIMITED TO, STAFF TRAINING AND MONITORING, LABELING PROPERTY, AND FREQUENT PROPERTY INVENTORIES. (Section 2-103 of the Act)

- e) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OF RESIDENTS' PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. (Section 2-103 of the Act)

- f) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENTS' ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENTS' MEDICAL RECORDS. (Section 2-108(c) of the Act)

- g) There shall be no traffic through a resident's room to reach any other area of the building. (B)

- h) Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.

- i) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. (Section 2-113 of the Act)

- j) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. (Section 2-109 of the Act)

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- m) All facilities shall comply with the Election Code (Ill. Rev. Stat. 198791, ch. 46, par. 1-1 et seq.) as it pertains to absentee voting for residents of licensed long-term care facilities.

- n) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. (Section 2-208 of the Act)

- o) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. (B)

- p) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. (Section 3-503 of the Act) AS USED IN SECTION 3-503 OF THE ACT, "EMERGENCY" MEANS A THREAT TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT THAT THE FACILITY IS UNWILLING OR UNABLE TO CORRECT. (Section 3-501 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 300.3330 Facility Implementation

- a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN ARTICLE II OF THE ACT. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. (Section 2-210 of the Act)

- b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public.

- c) EACH RESIDENT AND RESIDENT'S GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY EXPLANATION PREPARED BY THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN OF

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ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT AND IN PART 4 OF ARTICLE III, FOR RESIDENTS OF FACILITIES PARTICIPATING IN TITLE 18 OR 19 OF THE SOCIAL SECURITY ACT, THE EXPLANATION SHALL INCLUDE AN EXPLANATION OF RESIDENTS' RIGHTS ENUMERATED IN THE ACT. THE EXPLANATION SHALL BE GIVEN AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THIS RESIDENT PERMITS, BUT IN NO EVENT LATER THAN 48 HOURS AFTER ADMISSION, AND AGAIN AT LEAST ANNUALLY THEREAFTER. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY, THE EXPLANATION, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN OR OTHER PERSON ACTING FOR HIM, BOTH THE RESIDENT AND THE PARENT OR GUARDIAN OR OTHER PERSON ACTING FOR THE RESIDENT SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. (Section 2-211 of the Act)

- d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights.
- e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART. (B) (Section 2-214² of the Act) (B)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets
- 2) Code Citation: 11 Ill. Adm. Code 1411
- 3) Section Numbers: 1411.250 Proposed Action: New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This rulemaking allows for jockeys with minor riding violations (5 days or less) to participate in races designated as stakes, futurities, early closing events and feature races.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board, Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 20, 1993.
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1411

JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section

- 1411.05 Colors Worn by Riders
- 1411.10 Jockey Fees (Repealed)
- 1411.20 Paying Fines
- 1411.30 Jockey Ownership of Horse
- 1411.40 Under Suspension
- 1411.50 Betting By Jockey
- 1411.60 Record of Jockey Betting
- 1411.65 Interrogation by Stewards
- 1411.70 Racing Against Employer's Starter
- 1411.72 Spouses Riding Against Each Other
- 1411.75 Owner or Trainer As Spouse
- 1411.78 Racing Against Agent's Horse
- 1411.80 Priority of Retainers
- 1411.90 Conflicting Claims on Jockeys
- 1411.100 Whips, Length and Kind
- 1411.110 Illegal Whipping
- 1411.120 Leaving Operating Track
- 1411.130 Jockey Rules Apply to Apprentices
- 1411.140 Apprentice Rule
- 1411.150 Change of Agent
- 1411.160 Rough or Careless Riding
- 1411.170 Yearly Examination
- 1411.180 Examination Because of Illness
- 1411.190 Jockey's Valet
- 1411.195 Valet's Fees (Repealed)
- 1411.200 Record of Jockey Engagements by Agent
- 1411.210 Falsifying Engagement Records
- 1411.220 Agent Barred from Paddock and Track
- 1411.230 Engagements Made Through Agent
- 1411.240 Safety Helmets
- 1411.250 Designated Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Pacing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1411.250 Designated Races

Where the penalty is for a riding violation and does not exceed a time period of five days, the jockey may complete the engagements of all horses declared in before the penalty becomes effective. Such jockey may ride in stakes races during a suspension of five days or less, but the suspension will be extended one day for each date he/she rides in such a race.

(Source: Added at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Training Services

2) Code Citation: 89 Ill. Adm. Code 592

3) Section Numbers:
592.50 Proposed Action:
592.80 Amendment
Amendment

4) Statutory Authority:
Implementing and authorized by Sections 3(a), (b) and (k) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat 1991, ch.23, pars. 3434(a), (b), and (k)).

5) A Complete Description of the Subjects and Issues involved:
592.50 - Deletes medical recommendations from physician as a reason for providing training at a private or out of state school. Existing text was rewritten to emphasize client choice.

592.80 - Changed determination of what is satisfactory academic progress. Current policy was seen as overly restrictive. The change is a return to former policy.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes X No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives (if applicable):
This is not applicable to this Rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D./T.T.: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 592
TRAINING SERVICES

Section
592.10 General Applicability
592.20 Training Objectives
592.30 Insurance Requirement
592.40 Transportation
592.45 Training Institution Qualifications
592.50 Tuition
592.55 Tutorial (Education or Language) Services for Deaf Individuals
592.60 Graduate School Training
592.65 Default on Educational Grants and Loans
592.70 Books and Supplies
592.75 Summer School
592.80 Grades
592.85 Health
592.90 On-the-Job Training

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8850, effective June 10, 1985; amended at 11 Ill. Reg. 9958, effective May 8, 1987; amended at 11 Ill. Reg. 20211, effective November 30, 1987; amended at 13 Ill. Reg. 1573, effective January 23, 1989; amended at 14 Ill. Reg. 1473, effective January 5, 1990; amended at 15 Ill. Reg. 5757, effective April 9, 1991; amended at 17 Ill. Reg. _____, effective _____.

Section 592.50 Tuition

-----a)-----if-a-client-is-attending-a-private-school-or-an-out-of-state-school-merely-out-of-choice-and-comparable quality-training-based-upon-accessibility;-course offerings;-and-reputation-is-available-at-a state-operated-facility;-BORS-may-authorize-for-the total-cost-of-attendance-(including-tuition;-fees-and maintenance)-up-to-the-maximum-amount-the-highest state-operated-facility-would-cost;-less-scholarships;

other-similar-benefits-(89-III--Adm--Code-567);-and client-participation-(89-III--Adm--Code-562);-
-----b)-----if-a-client-is-attending-a-private-school-or-an-out-of-state-school-because-there-is-no-comparable-training available-at-a-state-operated-facility;-costs-less-than a-state-operated-school;-or-is-doing-so-because-of medical-recommendations-from-the-client's-physician BORS-will-authorize-for-the-total-cost-(including tuition;-fees;-and-maintenance);-less-scholarships;- similar-benefits;-and-client-financial-participation;-
-----c)-----if-a-client-chooses-to-attend-a-private-vocational school-and-comparable-training-is-available-at-a-local community-college;-BORS-shall-only-pay-tuition-and-fees up-to-the-established-community-college-rate;-whether a-community-college's-training-is-comparable-to-a private-vocational-school;-shall-be-determined-by-the BORS-counselor-based-on-a-review-of-the-community college's-curriculum;-recommendations-of-colleagues-and the-experience-of-other-BORS-clients/counselors;

-----d)-----if-a-client-chooses-to-attend-a-community-college outside-his/her-community-college-district-due-to program-accessibility;-and-the-IWRP-(89-III--Adm--Code 572)-reflects-the-counselor's-agreement-with-the decision;-BORS-may-pay-the-charge-back-only-if-the local-community-college-district-refuses-to-pay-it;- Documentation-of-the-refusal-must-be-obtained-prior-to authorization;

a) A client choice to attend a private school or out of state school may be approved in the following circumstances:

- 1) there is no comparable training at a state operated facility;
- 2) the cost is less than at a state operated facility; or
- 3) no state operated facility is adequately accessible because of the client's particular functional limitations or special or program accommodation needs.

Whether a private school or out-of-state school's training is comparable to a state operated facility

NOTICE OF PROPOSED AMENDMENT

shall be determined by the DORS counselor based on reviews of the private school or out-of-state school's curriculum, recommendation of colleagues and the experience of other DORS clients/counselors.

If one or more of these circumstances are met, the DORS representative may authorize the total cost of tuition, fees and maintenance, less scholarships, comparable benefits and client financial participation.

If none of these circumstances are met, the DORS representative may authorize tuition, fees and maintenance up to the maximum amount the highest state operated facility would cost less scholarships, comparable benefits and client financial participation.

b) A client choice to attend a private vocational school may be approved for the total cost of tuition, fees and maintenance less scholarships, comparable benefits and client financial participation, unless comparable training is available at a local community college. In this circumstance, the DORS representative shall approve tuition and fees not exceeding the amount of the established community college rate. Whether a community college's training is comparable to a private vocational school, shall be determined by the DORS counselor based on a review of the community college's curriculum, recommendations of colleagues and the experience of other DORS clients/counselors.

c) A client choice to attend a community college outside his/her community college district may be approved in the following circumstances:

- 1) there is no comparable training at the local community college; or
- 2) the overall cost is less at the non-local community college; or
- 3) the local community college is not adequately accessible because of the clients particular functional limitations or special or program accommodation needs.

If one or more of these circumstances are met the DORS representative may authorize tuition, fees and maintenance less scholarships, comparable benefits and

NOTICE OF PROPOSED AMENDMENT

client financial participation, and may pay the charge-back only if the local community college refuses to pay it. Documentation of the refusal must be obtained prior to the authorization.

(Amended at 17 Ill. Reg. _____, effective _____)

Section 592.80 Grades

DORS will sponsor a client in an educational institution as long as the client maintains the grade-point-average (GPA) established by that institution as sufficient to meet graduation requirements a "C" average (2.0 on a 4.0 point system) for each grading period (e.g., semester, quarter or term) and also maintains a sufficient cumulative grade point average (GPA) to meet graduation requirements in his/her major field of study. If at any time, a client's grades fall below a "C" average or below the cumulative GPA sufficient to meet graduation requirements, DORS will support the client for one additional grading period, regardless of when taken, providing if the client and his/her counselor continue to agree that academic training is an appropriate objective. During this grading period, the student must achieve a "C" average or better and show continued progress thereafter toward raising the cumulative GPA to the level required for graduation. "Continued progress" means any elevation of the cumulative GPA for each successive grading period taken. If the educational institution does not have a grade-point requirement, the client must maintain at least a "C" average (2.0 on a 4.0 system) or its equivalent.

(Amended at 17 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Correctional Officer's Grant Program

2) Code Citation: 23 Ill. Adm. Code 2731

3) Section numbers: Proposed Action:

2731.10 Amendment
2731.20 Amendment

4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 45 and 20(f), as amended by P.A. 87-997, effective September 3, 1992).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: The title of this Part has been changed to include the word "dependents" so that it more accurately reflects the intended beneficiaries of this program, i.e., dependents of correctional officers killed or disabled in the line of duty rather than persons who are currently employed as correctional officers. Language presently contained in Section 2731.20(a) is deleted and moved to Section 2731.10(a) since it encompasses the purpose of the program rather than its procedures. Section 2731.20(d) has been amended to incorporate the changes in the codification scheme of the Higher Education Student Assistance Act, as dictated by P.A. 87-997.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731

CORRECTIONAL-OFFICER'S GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section

2731.10 Summary and Purpose

Correctional-Officer's-Grant Program Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 45 and 20(f), as amended by P.A. 87-997, effective September 3, 1992).

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. _____, effective _____, 1993

Section 2731.10 Summary and Purpose

a) If a Correctional Officer employed by the Department of Corrections is killed or at least ninety percent disabled in the line of duty, the employee's spouse and children may receive grant assistance under this Part.

b) This Part establishes Rules which govern the Correctional Officer's Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2731.20 Correctional-Officer's-Grant Program Procedures

a) -----If a Correctional Officer employed by the Department of Corrections is killed or at least ninety percent disabled in the line of duty, the employee's spouse and children may receive grant assistance under this Part:

ab) Children are defined as the natural child, legally adopted child, or any child in the legal custody of the Correctional Officer at the time of death or disability.

be) Grants may be used at any postsecondary Institution approved for

participation in the Monetary Award Program, provided the Applicant is Enrolled on at least a half-time basis and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.)

cd) Grant amounts shall be calculated in accordance with Section 30-15-7(e)-(f) and (2) 35(c)(1) and (2) of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15-7(e)-(f) and (2) sec. 35(c)(1) and (2) or as later amended. Financial need is not a criterion.

de) Benefits are limited to the equivalent of eight semesters or twelve quarters of payment.

ef) Applicants shall file a biographical application identifying the deceased/disabled Correctional Officer and will be required to submit a death certificate or proof of disability. Once eligibility has been established on behalf of all eligible survivors in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: General Provisions

- 2) Code Citation: 23 Ill. Adm. Code 2700

- 3) Section numbers: Proposed Action:

2700.20	amendment
2700.30	amendment
2700.40	amendment
2700.50	amendment
2700.55	amendment
2700.60	amendment
2700.70	amendment

- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 1 et seq., as amended by P.A. 87-997, effective September 3, 1992); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325; and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 20(f), as amended by P.A. 87-997, effective September 3, 1992).

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: References to the Higher Education Student Assistance Law (HESAL) have been changed to the Higher Education Student Assistance Act (HESAA) and statutory citations have been updated to incorporate the new codification scheme of P.A. 87-997. Section 2700.20 now includes a separate definition for "dependent student," which had previously been included in the definition of "independent student." The Section contains a separate definition of "foreign missionary," which had been previously a part of the definition of "resident of Illinois." The term "gift assistance" has been clarified to include federal, state, institutional and private aid. The definition of "guaranteed loan" has been amended to reflect the federal Higher Education Amendments of 1992 (P.L. 102-325). The definition of "resident of Illinois" has been changed for dependent students to address an ambiguity in existing rules. As provided for in the proposed amendments, in order for a dependent student to qualify as an Illinois resident, the parent of that student who completes and signs the student's financial aid application must be a resident of Illinois. Conversely, a dependent student will not be regarded as an Illinois resident if he or she has a noncustodial parent who resides in Illinois if that parent is not considered the "responsible parent" for federal financial aid purposes. Section 2700.40(1)(A) has been updated in accordance with Section 428C of

ILLINOIS STUDENT ASSISTANCE COMMISSION

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the federal Higher Education Act, as amended, which allows consolidation of delinquent or defaulted loans. If such loans are consolidated, the borrower reestablishes eligibility for federal loans. Section 2700.40(1)(B) has been amended for delinquent or defaulted borrowers who take advantage of this option to reestablish their eligibility to be considered for ISAC-administered gift assistance. Section 2700.50(f) has been added to ensure that institutions verify Illinois residency for students who were not enrolled in an Illinois Institution for the previous regular school year and who are considered to be independent for financial aid purposes.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

student's attendance. (Ill. Rev. Stat. 1989 1991, ch. 122, par. 106-2.)

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10 Summary and Purpose

2700.20 Definitions

2700.30 General Institutional Eligibility Requirements

2700.40 General Applicant Eligibility Requirements

2700.50 Determining Applicant Eligibility

2700.55 Electronic Data Exchanges

2700.60 Audits and Investigations

2700.70 Appeal Procedures

AUTHORITY: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 1 et seq., as amended by P.A. 87-997, effective September 3, 1992); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325; and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 20(f), as amended by P.A. 87-997, effective September 3, 1992).

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"Commission" - The nine member Illinois Student Assistance Commission created by the Higher Education Student Assistance Law Act. (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15.3; sec. 15, as amended by P.A. 87-997, effective September 3, 1992.)

"Concurrent Registration" - The contemporaneous maintenance of enrollment at two or more institutions.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent Parts of the ISAC Rules) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance payment(s).

"Dependent Student" - A scholarship, loan or grant applicant or recipient who is not classified as an Independent Student.

"ED" - The acronym for the United States Department of Education.

"Eligible Non-citizen Noncitizen" - For the purposes of these Rules, eligible non-citizen noncitizen is defined as non-citizens noncitizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091 (1990).) This definition does not include any later amendments or editions.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Foreign Missionary" - A "Foreign Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years.

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Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver including but not limited to, federal, state, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the Robert-T. Federal Stafford Loan Program, the Federal PLUS Loan Program, the Federal Supplemental Loans for Students (SLS) Program, or and the Federal Consolidation Loan consolidation loan program programs.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter Term.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 U.S.C.A. 1087(vv)-(1990).) A non-independent student is referred to as a dependent student Dependent Student. This definition does not include any later amendments or editions:

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 40-15-3 15 of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15-3 sec. 15, as amended by P.A. 87-997, effective September 3, 1992) to administer the State's student assistance programs.

"Mandatory Fees" - The charges assessed by an institution to each and every Full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a Mandatory Fee.

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"Parent" - For the purpose of these Rules, "Parent" is defined at 34 CFR 668.2 (1990). This definition does not include any later amendments or editions.

"Pell Grant" - A Federal Gift Assistance gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1070a et seq.)

"Regular School Year" - An eight to nine month period of time which includes two semester Terms or three quarter Terms. The regular school year excludes summer Terms. Programs that begin after April 15 and before August 16 are considered summer Terms.

"Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"Remedial Courses" - The coursework that prepares a student for study at the postsecondary level and must be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A non-independent student Dependent Student is a Resident of Illinois if a the Parent of the dependent-Applicant who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois.

An Independent Student is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

An Applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such enlistment.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such missionary service.

institutions to verify the eligibility of **applicants** Applicants. The procedures are established by 34 CFR 668 et seq. (1990) and by these Rules. This definition does not include any later amendments or editions.

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

Section 2700.30 General Institutional Eligibility Requirements

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

A "Foreign Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary

a) Program Participation Agreement

1) All Institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC Gift Assistance programs.

2) The Program Participation Agreement shall identify the ISAC programs under which the Institution's students may receive benefits.

3) The Agreement shall include provisions requiring Institutions to comply with statutes, Rules and Regulations.

4) The Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790. Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, Institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their Enrolled recipients.

c) Institutions shall be subject to possible Limitation, Suspension or Termination of eligibility for failure to comply with statutes, Regulations, Rules, or procedures. (See: 23 Ill. Adm. Code 2790.)

d) Postsecondary Institutions which participate in Gift Assistance Programs shall annually submit to ISAC a copy of both their Satisfactory Academic Progress Policy and their Tuition Refund Policy. Public postsecondary Institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary Institutions which participate in Gift Assistance Programs shall annually report their Tuition and fee charges, as well as advance payment requests, to ISAC on or before June 1 preceding each Academic Year.

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- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for student assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC Gift Assistance Programs.
- 2) The report shall match specific fee charges with the Gift Assistance program(s) which may finance the fee. Such categorizations by the Institution shall not be considered ISAC approval.
- 3) The National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See: 23 Ill. Adm.-Code 2730.10(c) and 2733.20(f).)
- A) Example: One fee finances both Tuition and text book expenses. Only the portion of the fee which is attributable to Tuition expenses may be financed with program benefits.
- B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the Institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of the ISAC Rules.
- h) Postsecondary Institutions may apply to participate in ISAC-Guaranteed Loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary Institutions may apply to participate in ISAC Gift Assistance programs in accordance with this subsection.
- 1) The Commission approves participation in ISAC student assistance programs for an Institution rather than for specific academic programs within an Institution.
- A) When requesting payment of benefits, Institutions shall certify (in accordance with ISAC Rules and/or Federal Regulations) whether enrollment in a particular academic program qualifies the announced recipient to claim ISAC

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- administered benefits.
- B) Students Enrolled in academic programs while incarcerated are ineligible for ISAC Gift Assistance benefits.
 - 2) Prior to applying for participation in ISAC programs, the Institutional Applicant must have authority to operate a postsecondary Institution in Illinois. (See: 23 Ill. Adm. Code 1030.)
 - 3) Institutional Applicants which are fully accredited by the North Central Association and have degree-granting authority shall be approved to participate in ISAC student assistance programs provided the Institution meets the requirements of subsections (i)(4)(C) & (D) below.
 - 4) Institutional Applicants which do not meet the requirements of subsection (i)(3) above shall be approved to participate in ISAC student assistance programs if the Institution has:
 - A) obtained candidate status for North Central accreditation.
 - B) applied for and is seeking degree-granting authority.
 - C) obtained at least three letters indicating the transferability of academic credit from the Applicant Institution to other Institutions. The letters must be from Institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See: 23 Ill. Adm. Code 2735.60.)
 - D) an adequate number of qualified persons to administer their responsibilities under ISAC Rules. In determining whether an Institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the Institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the Institution.
 - 5) Once approved to participate in ISAC student assistance programs by the Commission, an Institution shall receive provisional eligibility for a minimum of five academic years.
 - A) On or before June 1 preceding each Academic Year, an

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Institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other Institutions for the following Academic Year. These letters must be from ISAC-approved MAP Institutions which are fully accredited by the North Central Association.

- B) An Institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the Institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.

- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary Institutions shall have a valid Program Participation Agreement with ED. (See: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094).)

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an Applicant with a defaulted Guaranteed Loan or a defaulted Perkins Loan (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for future terms may be reinstated in accordance with the following provisions:

- A) Eligibility for ISAC-guaranteed loans Guaranteed Loans will be reinstated when the debt has been paid in full or if in Delinquency Status or default status, the borrower will enter repayment through loan consolidation pursuant to Section 428C(a)(3) of the Higher Education Act of 1965, as amended. (See Consolidation Loans, Section 419 of the Higher Education Act Amendments of 1992, P.L. 102-325.)

- B) Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.

- 2) An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one Term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(B) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

- b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for: Any ISAC-administered Gift Assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (SEOG) (20 U.S.C.A. 1070(b)).

- c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. (See: Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

- d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

- e) All Applicants must submit their Social Security Number.

- f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.

- g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.

- h) When Gift Assistance eligibility is limited to a specified number of Term payments, the eligibility cap is calculated in accordance with this subsection.

- 1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.

- 2) For each Term of half-time payment benefits, one-half of the above eligibility units is assessed.

- 3) Sixty eligibility units are the equivalent of payments for ten

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semester/fifteen quarters of full-time benefits.

- 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

- i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary Institution as required by 34 CFR 668.31 et seq.

- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 and 23 Ill. Adm. Code 2733, an Applicant must be maintaining Satisfactory Academic Progress in accordance with the Institution's policy.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.

- b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.

- c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.

- d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.

- e) If an Applicant is selected for Verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs. A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.

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- f) Institutions must verify Illinois residency, as defined in Section 2700.20 of this Part, for students who were not enrolled in an Illinois Institution for the previous Regular School Year and who are classified as Independent Students.

- g) Because ED Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following provisions shall be followed by the Institutions.

- 1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:

- A) the Applicant has changed dependency status and has become an Independent student; or

- B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (see Section 2700.30) during the preceding twelve months; or

- C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.

- 2) A valid income tax return, federal or state, may provide proof that an Applicant (or Parent) is an Illinois Resident as defined in Section 2700.20.

- 3) If an Applicant (or Parent) is not required by law to file an income tax return, or if the tax return does not provide proof of Illinois residency, one or more of the documents listed below may provide proof of residency. For an Independent Student Applicant, the dates recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous months.

- A) Illinois High School transcript
B) Illinois Driver's License
C) Utility or rent bills in the Applicant's (or Parent's) name
D) Illinois Auto Registration card
E) Residential lease
F) Wage and Tax Statements (IRS Form W-2)
G) Statement of benefits history from the Illinois Department of Public Aid
H) State of Illinois Identification Card issued by the Secretary of State.

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- 4) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsections (f)(2) and (3) above, the Applicant or the Institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

hg) Institutions may request first Term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first Term payment to ISAC. For other than the first Term of eligibility in an Academic Year, the Verification process must be completed before the Institution may request payment.

ih) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

Section 2700.55 Electronic Data Exchanges

a) ISAC will provide eligible Institutions and Lenders with electronic data regarding Applicants. In return, Institutions and Lenders will provide ISAC with electronic data on Applicants as required by these Rules.

b) Information on the availability of electronic data exchanges shall be provided in ISAC publications. To participate in electronic data exchanges, the Institution or Lender shall:

- 1) meet the eligibility guidelines established by ISAC;
- 2) execute a written agreement with ISAC, outlining the conditions of participation; and
- 3) select a machine readable medium for teletransmission.

Information on the availability of electronic data exchanges shall be provided in ISAC publications.

c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.

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d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. The data and program documentation shall be confidential and shall not be used, sold, or shared for any purpose other than those directly related to the internal operations of the Institution, Lender, or ISAC.

e) Institutions and Lenders participating in direct teletransmission data exchanges shall be provided with security procedures including access codes and passwords. Institutions and Lenders shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.

f) Institutions and Lenders shall comply with all applicable federal and state laws which regulate the privacy of, and access to, Applicant data. (See: e.g., The Family Educational Rights and Privacy Act (20 U.S.C.A. 1232g); The Freedom of Information Act (Ill. Rev. Stat. 1989 1991, ch. 116, pars. 201 et seq.); Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094); and 34 CFR 682.610.)

g) To be eligible to participate in ISAC electronic data exchanges an Institution or Lender shall submit an application to ISAC which shall include, but not be limited to, information regarding default rates, previous program reviews and audits, compliance with rules and regulations, the numbers of years in financial aid programs and items demonstrating administrative capability and financial responsibility. Participation shall be determined by eligibility guidelines established and published by ISAC on an annual basis. (See 23 Ill. Adm. Code 2720.20 and 2720.30.)

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

Section 2700.60 Audits and Investigations

a) ISAC shall audit participating postsecondary Institutions. Postsecondary Institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the Institution is experiencing difficulty meeting the requirements of these Rules or Federal Regulations, or discrepancies in past audits conducted by ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary Institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

b) ISAC shall have access to all records related to ISAC programs.

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These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED Verification Procedures.

- c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.

- d) The Institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the Institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70, Appeal Procedures.

- e) If an audit identifies student assistance funds which were claimed on behalf of ineligible students, the funds shall be deducted from subsequent payments to the Institution.

- f) ISAC may visit Institutions to conduct investigations related to fraud and abuse of ISAC programs. Campus administrators and/or campus security police may be consulted as part of any on-going investigation.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2700.70 Appeal Procedures

- a) Complainants (including Applicants, Institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days of the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days of an administrative decision, including administrative decisions rendered under subsections (d) and (e) below, the complainant forfeits all appeal rights.

- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within fifteen working days of receipt of the appeal.

- 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC

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correspondence).

- 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, Rules and Regulations relevant to the issue appealed.

- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(f)(4) (e)(4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), Applicant appeals shall not be written or submitted by a Lender lender or an Institution. A lender lender or an Institution may advise an Applicant on appeal issues and opportunities.

- d) The complainant shall submit an appeal directly to the appropriate ISAC Manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See: 2 Ill. Adm. Code 5375.Appendix A. Organization Chart.)

- e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) above. A hearing shall be requested, in writing, within 60 days of the date of the Executive Director's appeal decision.

- 1) Within 30 days of the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.60(d)-(f) 2790.140. Hearings.

- 2) The hearing officer shall issue a recommended decision in accordance with and subject to 23 Ill. Adm. Code 2790.70. Recommended and Final Decisions.

- f) Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(e)(e), are considered final administrative decisions as defined by the Administrative Review Law Act. (Ill. Rev. Stat. 1989 1291, ch. 110, par. 3-101 et seq.) The complainant shall be sent written notification of the final administrative decision within ten working days of the Commission's disposition of the appeal.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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1) The Heading of the Part: Guaranteed Loan Programs2) Code Citation: 23 Ill. Adm. Code 27203) Section numbers: Proposed Action:

2720.5	Amendment
2720.6	Amendment
2720.10	Amendment
2720.20	Amendment
2720.25	Amendment
2720.30	Amendment
2720.40	Amendment
2720.41	Added
2720.42	Added
2720.50	Amendment
2720.55	Amendment
2720.60	Amendment
2720.70	Amendment
2720.80	Amendment
2720.90	Amendment
2720.105	Amendment
2720.120	Amendment
2720.130	Amendment
2720.200	Amendment
2720.210	Amendment
2720.Appendix A	Amendment

4) Statutory Authority: Implementing Section 80 et seq. of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 80 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 20(f)).5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: References to the Higher Education Student Assistance Law (HESAL) have been changed to the Higher Education Student Assistance Act (HESAA) and statutory citations have been updated to incorporate the new codification scheme of P.A. 87-997. Further, programs administered by the U.S. Department of Education (ED) now have names prefaced with the word "federal" and some minor program name changes have been made in this Part to reflect the federal Higher Education Amendments of 1992 (P.L. 102-325).

A number of changes have been made to Section 2720.6, which includes the definitions for this Part. The definition of "academic year" is broadened to cross-reference the new definition contained in the federal Higher Education Amendments of 1992. A definition of "co-maker" was added to clarify its meaning within Section 2720.40, which has a renumbered subsection that deals with co-makers and co-signers. A definition of "consolidation" was added to parallel the definitions already contained in this part which outline other federal loan programs. The definition of "delinquency" has been amended to coincide with recent changes to federal regulations. A definition of "endorser" was added to clarify its meaning and to reflect the revisions recently made to the regulations governing the Federal Family Education Loan Program, the purpose of which was to implement federal statutory changes dating back to 1985. Additionally, definitions of "full-time" and "half-time" students were added to provide clarification. Finally, the definition of "Stafford" has been amended to include reference to both subsidized and unsubsidized loans, the latter of which was authorized by the Higher Education Amendments of 1992.

Section 2720.10(f)(1) is updated so that the example given for certifying loans at certain academic levels reflects more recent dates and increased loan amounts. Section 2720.10(g) has had a new sentence added further clarifying what has commonly been referred to as the "211 day rule." This particular provision prevents excessive indebtedness on the part of student borrowers and ensures that loan term dates coincide with published academic terms. Section 2720.25 has been updated to coincide with federal program name changes and the word "educational" has been inserted where appropriate so that there is no confusion between educational lenders and commercial lenders. Section 2720.30(c) has been amended to more accurately reflect the provisions in federal regulations that deal with institutional eligibility. Section 2720.30(f) has been changed to parallel a longstanding federal requirement which provides that applicant and participating schools must establish administrative capability and financial responsibility in order to begin and to continue to participate in federally-administered student financial aid programs. Section 2720.30(g) has been deleted since the federal regulation which required the reporting of graduate employment data has been repealed. Section 2720.30(h), which outlines what schools must do when certifying loans, has been moved from the section dealing with institutional eligibility and inserted at 2720.40(g), which outlines the procedures for obtaining a guaranteed loan. Section 2720.30(i) now requires schools to submit as part of their applications audited financial statements which are verified by independent third parties, rather than profit and loss statements or compiled financial statements which are not as accurate or reliable in assessing the financial viability of an institution. Additionally, reference is made to ISAC administrative appeal procedures for the edification of school applicants that are denied participation in ISAC-guaranteed loan programs. Applicant institutions that have been denied eligibility are required to wait one year to reapply in an effort to

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forestall incomplete applications and to allow sufficient time for the use of the entire administrative appeal process. Without such a provision, it would be possible for a school to have multiple applications pending simultaneously. Section 2720.30(h) has been added for clarification since ISAC's limitation, suspension and termination proceedings may be used when institutions do not maintain the standards demonstrated in their initial applications or do not comply with federal regulations. Section 2720.40(d) has been deleted since it is the responsibility of lenders to determine the amounts of loans rather than the agencies that guarantee payment.

Section 2720.40(f) had previously contained what had been known as ISAC's "one-lender" and "one-holder" rules. The purpose of these rules was to prevent defaulted loans by providing that a borrower need only contact one entity with regard to repayment, deferments, etc. Developed and refined over a period of approximately ten years, the rules became exceedingly complicated and confusing to ISAC clients, many of whom were not intimately familiar with their history or the underlying rationale. Furthermore, the federal Higher Education Amendments of 1992 applied these policies on a nationwide basis by requiring that a guarantee agency ensure that a borrower has one lender, one holder, and one guarantee agency, to the extent practicable. For purposes of clarification, ISAC has created two new Sections: Section 2720.41 outlines the provisions of the "one-lender" requirements previously included in Sections 2720.40(f)(3) and (f)(4)(B) and Section 2720.42 outlines the provisions of the "one-holder" requirements, as previously contained in Sections 2720.40(f)(1), (f)(2) and (f)(4). Further, an exception was added to Section 2720.41 so that allowances can be made when it is not practicable, as per federal law, to follow the "one-lender" rule.

Section 2720.50(d) has been amended to incorporate the insurance premium invoice system which is now another method by which lenders notify ISAC of loan disbursement dates. Section 2720.50(e) has been changed to reflect an amendment in federal law which requires that federal PLUS loan checks be made co-payable to the institution and the parent borrower. Section 2720.50(f) has been updated since lenders have the ability to prorate multiple loans. Section 2720.50(g) has been updated to reflect changes to Sections 428(b) and 433(a) of the Higher Education Act. Section 2720.50(j) has been added since the Higher Education Amendments of 1992 allow lenders to exercise "administrative" forbearances for loans that fall out of compliance for short periods of time and which do not require the agreement of the borrower.

Sections 2720.55 contains amendments which are proposed for clarification only. Section 2720.60(b) has a sentence added to accommodate loans that are paid on other than a monthly basis. Section 2720.60(d) has a sentence added to clarify when lenders file for preclaim or skip-tracing assistance. Section 2720.70(a) has had the references to Illinois' voucher

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system removed since it could confuse lenders and result in gross overpayment of interest to a lender for periods in which a loan is out of compliance. Section 2720.70(b) has been updated with regard to bankruptcy claims to include changes to Section 437(b) of the Higher Education Act. Section 2720.70(e) has been amended to allow for collection charges that are now outlined in 34 CFR 682.202(f) and (g). Section 2720.70(g) has had the word "reimbursed" added for clarification. Section 2720.90(a)(2)(c) has been updated so that ISAC may enter into guarantee transfer agreements with authorized agents of the Department of Education or with the Department itself. Section 2720.120(e)(A) has been updated since the Illinois Designated Account Purchase Program (IDAPP) has the ability to purchase loans of borrowers who have unemployment deferments as part of its default prevention program. Section 2720.210(a) has been amended to include references to the federal unsubsidized loan program. Appendix A to this Part reflects changes that have been made to previous sections of this Part.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION GUARANTEED LOAN PROGRAMS PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN GUARANTEE PROGRAMS:

THE FEDERAL ROBERT-T. STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section

2720.5	Summary and Purpose
2720.6	Definitions
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Institution Lender Eligibility
2720.30	Institutional Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Preclaim Assistance
2720.70	Reimbursement Procedures
2720.80	Student Insurance Premium
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)

2720.App. A Required Activities of Educational Lenders

AUTHORITY: Implementing Section 80 et seq. of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 80 et seq. as amended by P.A. 87-997); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 20(f)).

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SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4062, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

SUBPART A: FEDERAL LOAN GUARANTEE PROGRAMS:

THE FEDERAL ROBERT-T. STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.5 Summary and Purpose

- a) The Federal Family Education Guaranteed Loan Programs Program (FFELP) is are-authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), and are- is administered by the United States Department of Education (ED), state governments, guaranty agencies, educational institutions and Lenders.

- b) This Part establishes Rules which govern ISAC-Guaranteed-Loan Programs guaranteed loan programs. Additional Rules and definitions are contained in the General Provisions part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being

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capitalized.

- c) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational Institutions and Lenders. This Subpart implements ISAC's discretionary authority as a Guarantee Agency.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.6 Definitions

"Academic Year" - For the purposes of this Part, is defined at Section 481(d)(2) of the Higher Education Act, as amended, and at 34 CFR 668.2.

"Co-maker" - One of the two individuals who are joint borrowers on a Federal PLUS Program loan and who are equally liable for repayment of the loan. (See 34 CFR 200.)

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA, as amended.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.

"Delinquency Status" - ~~The failure of a borrower to make an installment payment when due, provided this failure persists for 30 days.~~ For the purposes of this Part, is defined at 34 CFR 682.41(b).

"Disbursement" - The process of transferring funds from the lender to the borrower. Educational Institutions participate in the Disbursement process.

"Educational Lender" - An educational Institution which meets the lender eligibility criteria outlined in Section 2720.25.

"Endorser" - A signer of a promissory note who is secondarily liable for the repayment of a loan obligation.

"Federal Regulations" - Regulations promulgated by ED and codified

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at 34 CFR 668 and 682.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 411 of the Higher Education Act Amendments of 1992 (P.L. 102-325), including subsidized and unsubsidized Federal Stafford loans, Federal PLUS loans, Federal SLS loans, and Federal Consolidation loans.

"Full-time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Half-Time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as commercial and Educational Lenders or secondary markets and may purchase ISAC-Guaranteed Loans from approved Lenders. ISAC's Illinois Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SLMA) are approved Holders.

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law. (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15-14a sec. 125 et seq., as amended by P.A. 87-997, effective September 3, 1992.)

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1085)

"PLUS" - A Federal program which provides loans to Parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and the Higher Education Student Assistance Act Law. (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15-10 sec. 80 et seq., as amended by P.A. 87-997, effective September 3, 1992.)

"SLS" - The acronym for the Federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and the Higher Education Student Assistance Act Law. (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15-10 et seq. sec. 80, as amended by P.A. 87-997, effective September 3, 1992.)

"Stafford" - Subsidized and unsubsidized Federal Stafford Loans to eligible borrowers, as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 U.S.C.A. 1078) and the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch.

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122, sec. 80, as amended by P.A. 87-997, effective September 3, 1992.)

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) Applicants may apply for a loan guarantee by submitting an ISAC approved application form.
- b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations, however, the borrower must be a Resident of the State of Illinois or a parent borrowing on behalf of a student enrolled at an approved institution located in Illinois. For purposes of this Part, a borrower is considered eligible if the Applicant:
 - 1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary Institution; or
 - 2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or
 - 3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the Federal PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled at least half-time at an approved postsecondary Institution; or
 - 4) is a qualified parent or legal guardian borrowing through the Federal PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled on at least a half-time basis at an approved postsecondary Institution located in Illinois.
- c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.
- d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided if the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), of Federal Regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of

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1965, as amended. (See 20 U.S.C.A. 1078.)

- f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.
 - 1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.
 Example: A student desires a Federal Stafford Loan for a two semester period of enrollment beginning 8/29/87 8/20/93 and concluding 5/15/88 5/15/94. During the fall 1987 1993 Term the student will be a sophomore and during the spring 1988 1994 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 \$3,500 loan permitted sophomore borrowers.
 - 2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. See Section 484 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1091.)
- g) An applicant who previously received a Federal Stafford, Federal PLUS or Federal SLS loan may be eligible for a subsequent loan provided that 211 days have passed from the beginning loan term date indicated on the previous loan request to the beginning loan term date on the new loan request. The beginning loan term date must coincide with the start of a Term that is published in the school catalog or official class schedule.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.20 Lender Eligibility

a) Lender Agreement

- 1) All approved Lenders must execute an ISAC Lender-Agreement lender agreement prior to participating in the Federal Stafford, Federal PLUS, Federal SLS or Federal Consolidation consolidation loan programs.
- 2) Lenders must have received ED approval prior to executing a Lender Agreement.

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- 3) The Lender Agreement shall include provisions requiring Lenders to:
- Comply with statutes, Federal Regulations, Rules, and procedures; and
 - Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. (See: Sections 2720.60(a) and 2720.70(c).)
- 4) Lenders and ISAC may agree to electronically transmit and receive data. ISAC shall provide the Lender with program documentation and reasonable technical assistance related to electronic data exchange. ISAC and the Lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.
- 5) Termination of the Lender Agreement may be made by either the Lender or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.
- b) Eligible Lenders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules. In determining whether a Lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.
- c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as Lenders shall require:
- advertising and promotional materials consistent with Section 761 of the Illinois Insurance Code (Ill. Rev. Stat. 1989 1991, ch. 73, par. 761 and 50 Ill. Adm. Code 909);
 - compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1989 1991, ch. 73, pars. 1028 et seq.).
- d) A loan guarantee shall be canceled if the Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Lender for the defaulted loan.
- e) ISAC conducts compliance reviews to determine if approved Lenders are complying with Federal Regulations, statutes and Rules.

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- f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.25 Educational Institution Lender Eligibility

- Educational Lenders must meet the eligibility requirements of Institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for Lenders as outlined in Section 2720.20, Lender Eligibility.
- Illinois educational Institutions shall be approved as Lenders by the Commission if approved by ED and if the following requirements are met.

- The specific materials to be provided by an Institution in seeking approval as an eligible Lender are:

- An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto.
- An institutional catalogue, and a statement of the Institution's educational costs and refund policies.
- A statement of the Institution's default/delinquency experience as a Lender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the

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Institution's service agency, if any, with respect to such records.:

- D) A statement which demonstrates the Institution's administrative ability to comply with all servicing requirements of the program.:
 - E) Bank and other credit references and a release to permit ISAC to inquire of these references.:
 - F) A statement explaining the source of the Institution's lending capital.:
 - G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years.:
 - H) Any other materials which might be requested by ISAC to show the Institution's potential qualifications as a Lender.
- 2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:
- A) Copy of its student contract;
 - B) Description of its admission/sales staff and their functions;
 - C) Statement of the Institution's drop-out/completion rates;
 - D) Sample of the Institution's advertising materials; and
 - E) Description or copies of student complaints filed with the Institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the Institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the Institution's accrediting association.

- 3) The applications for eligible Educational Lender status in the Programs and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant Institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The

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Applicant Institution shall also be informed of the recommendation for its annual lending limit, as well as any additions to the Lender Agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The Institution shall also be informed that if it is not in agreement with any ISAC staff recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the Institution is approved by the Commission as an Educational Lender, ISAC will execute a Lender Agreement which will include:

- A) The Institution's agreement to abide by the Rules of ISAC;
 - B) A statement of agreement including, or referring to, the list of required activities of educational Lenders labeled as Appendix A of this Part;
 - C) A statement of agreement including, or referring to, the Federal Regulations with respect to loan Disbursements and refund application;
 - D) A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence"; and
 - E) An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- c) A loan guarantee shall be canceled if the Educational Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Educational Lender for the defaulted loan.
 - d) ISAC conducts compliance reviews to determine if approved Educational Lenders are complying with Federal Regulations, statutes and Rules.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence

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Institutions/programs are not eligible.

- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed-Loan-Programs ISAC-guaranteed loan programs. (See: 34 CFR 668.12 et seq.)
- c) When an approved Institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by Federal Regulations, the Institution's Program Participation Agreement with ED may be is terminated. The Institution may have eligibility reinstated by the execution of new Program Participation Agreement Agreements with ED (See e.g.: 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.
- d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED-approved Origination Agreement, provided the agreement is on file with ISAC and the Institution has been approved as an Educational Lender. (See: Section 2720.25 of this Part and 34 CFR 682.601.)

- e) Approved Institutions shall provide ISAC with the current enrollment status of students whom the Institution has certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.

- f) Applicant and approved Approved Institutions must demonstrate the requisite administrative capability and financial responsibility, as defined by Federal Regulations, in order to begin and to continue participation in ISAC-guaranteed loan programs. (See, e.g.: 34 CFR 668.13 et seq.)

- g) ~~----- Vocational Institutions shall annually submit graduate employment data to ISAC, as required by 34 CFR 668.14;~~

- h) ~~----- When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1078-7). Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended;~~

- gi) Institutions wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the State of Illinois demonstrating authorization to offer educational

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programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided determined by an examination of these application materials and a determination of compliance with federal laws and regulation and state statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

- h) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by Federal Regulations, may be subject to administrative limitation, Suspension or Termination Proceedings. (See 23 Ill. Adm. Code 2790.)

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form furnished or approved by ISAC. No alteration or substitution may be used.
- b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.
- 1) Should an Applicant be unable to secure an ISAC-Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.
- 2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three, written notifications from approved Lenders that indicate a refusal to approve a loan application.
- c) The availability of an ISAC-Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.

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d)-----No Stafford loan of less than \$150 shall be made by a lender.---A minimum loan amount of \$500 applies to PLUS and SLS.---See Section 2720.10(f) for loan maximums;

de) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f)-----Within any one of ISAG's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same lender or Holder;

1)-----Notwithstanding the residency requirements of Section 2720.10(b), if a lender receives an application/promissory note, and the borrower has outstanding ISAG Guaranteed Loans(s) with that lender or a prior lender, the following provisions apply:

A)-----A subsidized Stafford loan made by a commercial lender will be guaranteed if the lender holds or has purchased all outstanding ISAG guaranteed subsidized Stafford Loans;

B)-----A non-subsidized Stafford loan made by a commercial lender will be guaranteed if the lender holds or has purchased all outstanding ISAG guaranteed non-subsidized Stafford Loans;

C)-----A PLUS loan made by a commercial lender will be guaranteed if the lender holds or has purchased all outstanding ISAG guaranteed PLUS Loans made on behalf of the same student;

-----D)-----A SLS loan made by a commercial lender will be guaranteed if the lender holds or has purchased all outstanding ISAG guaranteed SLS Loans made by another commercial lender;

E)-----A loan made by an educational lender will be guaranteed if the lender is an educational institution at which the borrower is currently enrolled and the borrower has previously made a good faith effort to obtain a loan from a commercial lender pursuant to federal regulations (See 34 CFR 682.601-1990);

2)-----If the lender has sold the Applicant's previous ISAG Guaranteed loan(s) to an approved holder, the lender shall sell all renewal loans to that same holder no later than the last day of the third month of the grace period or no later

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than thirty days after the lender became aware that the student ceased to be enrolled on at least a half-time basis. (See Section 2720.130(d).)

(A)-----Failure to sell the renewal loan by the deadline shall result in the loss of guarantee;

(B)-----A guarantee may be reinstated if, within 90 days of identifying a loan in violation of subsection (f)(2) above, the lender sells the loan to the eligible holder who purchased the Applicant's previous loan(s);

i)-----Initiation of the sale procedure within 90 days will retroactively restate the guarantee to the date the guarantee was lost due to a violation of subsection (f)(2) above, provided no other violation of federal regulation or State rule exists;

ii)-----Failure to initiate the sale of the loan within 90 days of identifying the violation will result in loss of guarantee;

3)-----If a commercial lender made the Applicant's previous ISAG guaranteed loan(s), a subsequent loan will be guaranteed by ISAG provided the renewal loan is issued by the same commercial lender that issued the previous loan(s);

4)-----The requirements of subsection (f)(1) above shall not apply if:

(A)-----the outstanding loans are held by a lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement;

(B)-----the borrower informs ISAG in writing that he/she is dissatisfied with the previous lender's performance and requests that subsequent loans be issued by a different lender;

eg) Co-makers Go-maker and Endorsers Go-signers

1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a Federal PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same

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amount from such Institution. The Lender shall not require a co-maker on a Federal SLS loan. At the Lender's option, an endorser a co-signer may be required on any Federal PLUS or Federal SLS loan.

- 2) The Lender shall not require a co-maker or an endorser co-signer on an unsubsidized or a subsidized Federal Stafford Loan nor accept security for payment thereof.

(h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

g) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-7) Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.41 One-Lender Requirement

- a) All of a borrower's outstanding ISAC-guaranteed loans must be made by the same lender, notwithstanding the residency requirements of Section 2720.10(b) of this Part.

1) ISAC will issue a loan guarantee to a commercial lender provided that Lender agrees to make all types of Federal Family Education Loans (FFEL) to the borrower which the borrower requests and is eligible to receive, and

- A) the loan is the borrower's first ISAC-guaranteed loan;
B) the loan is a subsequent loan and the commercial lender has issued all of the borrower's previous ISAC-guaranteed loans; or

C) the loan is a subsequent loan and the commercial lender holds or has purchased all outstanding ISAC-guaranteed loans for that borrower from previous commercial lender(s), in accordance with Section 2720.42 of this Part.

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D) the loan is a subsequent loan where the borrower has regained eligibility by making six (6) consecutive payments on a loan that had previously been defaulted and the commercial lender has purchased the defaulted loan from ISAC.

- 2) ISAC will issue a loan guarantee to an Educational Lender provided that Lender agrees to make all types of FFEL to the borrower which the borrower requests and is eligible to receive, and

A) the lender is an educational Institution at which the borrower is currently Enrolled, and

B) the borrower has previously made a good faith effort to obtain a loan from a commercial lender pursuant to federal regulations. (See 34 CFR 682.601.)

b) The requirements of this section shall not apply if:

1) the outstanding loans are held by a lender which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

3) the borrower is requesting a subsequent loan and the Lender has made a previous ISAC-guaranteed loan to that borrower for that loan program with a guarantee date prior to July 1, 1993.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.42 One-Holder Requirement

- a) All of a borrower's outstanding ISAC-guaranteed loans must be sold by a lender to the same Holder.

1) If the Lender has sold any of a borrower's previous ISAC-Guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SLS Loan(s) to an approved Holder, the Lender shall sell all subsequent loans to the same Holder by 90 days prior to the scheduled commencement of repayment of principal and interest, or 60 days following the last disbursement, whichever occurs later; or no later than thirty days after the

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Lender became aware that the student ceased to be enrolled on at least a Half-time basis. (See Section 2720.130(d).)

2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans made for loan periods within the same Academic Year shall be considered one loan and must be sold simultaneously.

3) If the Lender has sold the Applicant's previous ISAC-Guaranteed Federal PLUS Loans to an approved Holder, the Lender shall sell all subsequent Federal PLUS Loans for that borrower to the same Holder no later than the ending loan term date.

b) Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

1) A guarantee may be reinstated if, within 90 days of identifying a loan in violation of subsections (a)(1), (a)(2) or (a)(3) above, the lender sells the loan to the eligible Holder who purchased the Applicant's previous loan(s).

2) Initiation of the sale procedure within 90 days will retroactively reinstate the guarantee to the date the guarantee was lost due to a violation of subsections (a)(1), (a)(2) or (a)(3) above, provided no other violation of federal regulation or State rule exists.

3) Failure to initiate the sale of the loan within 90 days of identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the Holder will also result in a permanent loss of guarantee for that loan.

c) The requirements of this section shall not apply if:

1) the outstanding loans are held by a Holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Holder's performance and requests that subsequent loans be sold to a different Holder.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2720.50 Procedures for Disbursement and Repayment

a) Disbursement and repayment procedures are specified in Federal Regulations.

b) Prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.

c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.

d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all disbursements disbursement dates through submissions of the Lender manifest/insurance premium invoice system.

e) Federal Stafford, Loan Federal PLUS and Federal SLS loan proceeds shall be transmitted directly to the Institution. ~~PLUS-loan proceeds shall be delivered to the borrower by the lender. The Lender shall notify the educational institution of all PLUS Disbursements:~~

1) Federal Stafford and Federal SLS ~~The student loan checks check~~ shall be payable to the student borrower unless the borrower has authorized, in writing, a co-payable loan check. Federal PLUS loan checks shall be co-payable to the Institution and the parent borrower.

2) If the proceeds have not been disbursed to the borrower within ninety days after the conclusion of the Term, ISAC approval is required prior to Disbursement. Factors to be considered by ISAC in evaluating the borrower's Disbursement request include whether the delay in Disbursement was avoidable by the borrower, whether the borrower was familiar with the loan application process through prior ISAC borrowing, whether the borrower had difficulty locating a Lender willing to issue a loan, and other extenuating circumstances (e.g., death in the borrower's family).

3) If the borrower has withdrawn from enrollment and Federal Regulations require the Institution to submit a refund to the

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Lender, the refund shall be in the form of a check payable to the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.

- A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.
- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
- C) The penalty interest shall be paid to the Lender or subsequent Holder.

- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder. If less than all outstanding notes are prepaid, the notes shall be prepaid in the order of their execution dates commencing with the earliest. Unless the borrower requests otherwise, in writing, any prepayment made thereon shall be credited wholly to the principal.

- g) The Lender or Holder shall notify the borrower of the date on which the repayment period begins no later than 120 days after the borrower has left the eligible institution. The Lender or Holder shall send a repayment schedule and disclosure statement to a FFEIP Stafford borrower no less than 60 days nor more than 240 days before the first payment on the loan is due from the borrower later than 30 days prior to the expiration of the borrower's grace period. The Lender or Holder shall send a repayment schedule and disclosure statement to a PLUS, SLS and consolidation loan borrower no later than 30 days prior to the due date of the first payment.

- h) The Lender or Holder shall notify ISAC of payment in full or prepayment in full by the borrower.

- i) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.

- j) Lenders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(D) of the Higher Education Act of 1965, as amended, and by

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Federal Regulations.

- kj) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations. The borrower(s) shall be responsible for submitting to the Lender a completed deferment agreement and any corresponding documentation.
- lk) ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.
- ml) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.55 Federal Consolidation Loan Program

- a) ISAC shall guarantee Federal Consolidation consolidation loans pursuant to Section 428C of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-3)

- b) Lenders may make Federal Consolidation consolidation loans provided participation in the consolidation loans loan program is authorized by the Lender Agreement. (See: Section 2720.20(a).)

- 1) ISAC shall initially authorize a Lender to issue no more than \$5,000,000 in guaranteed Federal Consolidation consolidation loans.

- 2) A Lender may receive additional increments of lending authority provided an ISAC compliance review indicates the Lender is complying with Federal Regulations, statutes and Rules. (See: Section 2720.20(f).)

- c) All applications, promissory notes and disclosure statements shall be in a form furnished or approved by ISAC. Lenders shall report to ISAC when a consolidation loan is made.

- d) Lenders shall request preclaim assistance and reimbursement on consolidation loans in accordance with Sections 2720.60 and 2720.70.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2720.60 Preclaim Assistance

Section 2720.70 Reimbursement Procedures

a) ISAC functions in a supplementary role to assist the Lender or Holder in its collection of a loan that is at least 90 days delinquent. After requesting Preclaim assistance, the Lender or Holder shall continue to proceed with normal collection activity. The following information is requested with the request for assistance, if available:

- 1) Name, social security number, and state driver's license number;
- 2) Employer's name and telephone number;
- 3) Home address and telephone number;
- 4) Identification of the problem;
- 5) Date and amount of each payment;
- 6) Loan amounts; and
- 7) Number of days delinquent.

b) The request for preclaim assistance must be sent to ISAC no earlier than 80 days after the first date of Delinquency delinquency and no later than 100 days after the first date of Delinquency delinquency. For accounts paid less than monthly (e.g., quarterly), the request for preclaim assistance must be filed no earlier than the 140th day of Delinquency and no later than the 160th day of Delinquency.

c) For one hundred or more accounts submitted at one time the request for preclaim assistance must be submitted on computer tape, in a format approved by ISAC, from which collection action can begin immediately.

d) If a borrower's address is unknown, the Lender shall attempt to locate the borrower prior to requesting Preclaim preclaim assistance. These attempts shall include written and/or telephone inquiries to the Institution, the borrower at both the school and permanent address and the borrower's references. The Lender shall file for preclaim or skip-tracing assistance when it has completed its skip tracing efforts, or at the 90th day of Delinquency for loans paid monthly, or at the 150th day for loans that are paid less than monthly, whichever occurs first.

e) When a Lender files for preclaims preclaim assistance, that Lender is automatically filing for supplemental preclaims assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60 days of the Lender's receipt of the borrower's loan cancellation request. Requests for default reimbursement must be submitted to ISAC no earlier than 180 days after the first date of delinquency and no later than 270 days after the first date of delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal Regulations; ~~from the default date to fifteen (15) days after the Illinois State Voucher is completed.~~ On Federal PLUS loans all co-makers must meet the default criteria contained in Federal Regulations.

b) The Lender or Holder must request ISAC reimbursement for a bankruptcy claim in accordance with Federal Regulations. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days of the Lender's receipt of notice that the debt is stayed ~~loan is eligible for reimbursement.~~ A copy of the restraining order and the appropriate papers must ~~should~~ be included. On Federal PLUS loans, all co-makers must meet the bankruptcy criteria.

c) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection (f). Prior to reimbursement, the Lender must have remitted the insurance premium established by Section 2720.80.

d) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrowers after default reimbursement and shall advise ISAC of any subsequent information received concerning the ~~borrowers student.~~ Prior to reimbursement, all original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.

e) No fee or charge, other than the maximum interest rate prescribed by ED and the collection charges outlined in Section 682.202 (f) and (g) of Federal Regulations, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender, ~~except that a delinquency charge is permitted on each installment for a period of not less than ten days.~~

f) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. (See, e.g., 34 CFR 682.411.)

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- g) ISAC shall collect the outstanding amount on the reimbursed Guaranteed Loan. If the borrower refuses to retire the debt, ISAC shall litigate or assign the account to a licensed collection agency.
- h) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See: 23 Ill. Adm. Code 2700.40(a)(1)(2).)

- 3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.

- 4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.80 Student Insurance Premium

- a) ISAC charges each borrower an insurance premium on each Guaranteed Loan. The premium is collected by the Lender and must be remitted to ISAC by the tenth day of the second month following Disbursement.

- b) The amount of the premium collected on each loan shall be no greater than 3 percent of the principal amount of the loan. The exact amount of the insurance premium shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the insurance premium shall be determined by resolution of the Commission. When establishing the rate of the insurance premium, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume, and the timeliness of payments from ED pursuant

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to the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1071 et seq.)

- c) No refunds of insurance premiums shall be made to the borrower after the check representing the proceeds of the loan has been endorsed by the borrower unless the loan check is returned uncashed to the Lender or the loan is repaid in-full within 120 days of disbursement.

- d) The insurance premiums shall be deposited in the Student Loan Revolving Fund. In accordance with Federal Regulations, such proceeds may only be used to reimburse lenders for defaulted Guaranteed Loans, to pay for the administrative expenses of ISAC or to pay the reinsurance fee assessed by the Department of Education.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.90 Guarantee Transfers

- a) ISAC may transfer loan guarantees to or from another guarantor, as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended. (20 USC 1078(b) (1990)) provided:

- 1) the loan guarantees are insured (see Section 428(b) of the HEA);

- 2) an agreement has been entered into between ISAC and

- A) the other guarantee agency,

- B) an agent of the guarantee agency, who has been approved by the U.S. Secretary of Education, or

- C) the U.S. Secretary of Education or an agent thereof;

- 3) the transfer has been approved by the Holder of the loan.

- b) Notwithstanding any provision of Section 2720.42 2720.40(f), regarding all loans being held by one Holder, a loan guarantee may be transferred to ISAC from another guarantee agency.

- c) Notwithstanding any provisions of Section 2720.10, regarding residency requirements for eligible borrowers, a loan guarantee may be transferred to ISAC from another guarantee agency.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section 2720.105 Summary and Purpose

- a) The Commission provides a secondary market for education loans ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of Lenders and increases the availability of Guaranteed Loans.
- b) The Illinois-Designated-Account-Purchase-Program (IDAPP) Through IDAPP, ISAC purchases eligible loans from IDAPP-eligible Lenders. Sales to ISAC are conditional upon the execution of a contract between the eligible Lender and ISAC, and the eligible Lender's good faith compliance with the contract.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.120 IDAPP Eligible Loans

- a) Original Contract Program
 - 1) ISAC will purchase Stafford-Loans Guaranteed Loans which are no more than 90 days delinquent on installments of principal or interest and Stafford-Loans Guaranteed Loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.
 - 2) Under this program ISAC will also purchase Stafford-Loans Guaranteed Loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the Lender.
 - 3) All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.
- b) The Lender must be in compliance with Federal Regulations and ISAC Rules up to the date of the sale. ISAC will decline to purchase any account if the Lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.
- c) If a Lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (not in delinquency status non-delinquent) and has an outstanding balance of at least \$3,500.

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- d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original Lender must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. (See: Section 2720.42 2720.40(f)(2).)
- e) Default Prevention Program
 - 1) In cases where a Lender executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of Guaranteed Loans specified in subsection (e)(2) below. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.
 - 2) ISAC will purchase the following additional types of Guaranteed Loans:
 - A) all deferred loans, ~~other than unemployment deferments;~~
 - B) loans from borrowers who have moved;
 - C) loans from borrowers who have failed to respond to the Lender's written inquiry;
 - D) loans from graduate student borrowers; and
 - E) loans that do not fall under any preceding criteria classification.
 - f) Upon the sale of an account to ISAC, the Lender shall report the transfer of ownership to the credit reporting agency utilized by the Lender. The Lender shall not adverse the borrower's credit rating.
 - g) ISAC may also purchase eligible loans as defined in Section 135 of the Higher Education Student Assistance Act (Ill. Rev. Stat., 1991, sec. 135, as amended by P.A. 87-997).

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720.130 IDAPP Eligible Lenders

- a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, Federal Regulations, Rules and procedures.
- b) ISAC will purchase loans only from those Lenders who have no

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inappropriate relationships with the educational Institutions certifying the loan. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and Institutions which are not permitted by law or Federal Regulation (34 CFR 682.205 (19901985)) and/or of such nature that all educational Institutions or all Lenders under similar circumstances would not receive similar terms, conditions, or services from the Lender.

c) If it appears that the Lender has violated one or more of the ISAC Rules, in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

d) The Lender aware date of delinquency will be:

- 1) Date Lender received notice from school, borrower or ISAC, that the borrower has a revised last date of attendance;
- 2) Date returned mail from a borrower(s)' address was received;
- 3) Date information is received from borrower(s), student, spouse, or Parent that repayment will not be forthcoming; or
- 4) Maturity date of Note, deferment, or payment due and not paid date.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

a) ISAC shall serve as a direct Lender of Federal Consolidation ~~eensolidation~~ loans in accordance with Section 2720.55, Federal Consolidation Loan Program.

b) A recipient of an ISAC-originated Federal Consolidation--~~a eensolidation~~ loan must be an eligible borrower as established by Section 428C of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078-3.) Subject to the availability of funds, no eligible borrower shall be denied a Federal Consolidation eensolidation loan by ISAC.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2720.210 Illinois Opportunity Loan Program

- a) ISAC shall may serve as a direct Lender of non-subsidized Federal Stafford Loans through the Illinois Opportunity Loan Program.
- b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078 et seq.)

c) In addition to the eligibility criteria established by federal law for all Federal Stafford loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.

- 1) Each borrower must be a Full-time student who is Enrolled in a degree program. The borrower must be classified at an Academic Level of sophomore or above in the degree program. The Institution shall verify the borrower's enrollment status prior to disbursement.

- 2) Each borrower must be a Resident of Illinois. For purposes of this Part, an Applicant for an Illinois Opportunity Loan is a Resident of Illinois notwithstanding the Applicant's temporary absence from the State in order to enroll at an out-of-state Institution.

- 3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per Academic Year.

- 4) No Applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No Applicant may receive an Illinois Opportunity Loan unless the Institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. (See, e.g., Title IV, Part F of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1087 kk et seq.))

d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine Applicant eligibility on the basis of an application receipt date or the term of study for which the loan is being requested, or both.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2720. APPENDIX A Required Activities of Educational Lenders

1. The Educational Lender must act as a "lender of last resort" and

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demonstrate such capacity by requiring each inquiring borrower to first seek loans from other eligible commercial lenders, pursuant to Federal Regulations (See 34 CFR 682.601).

2. The Educational Lender shall be subject to Section 2720.41, ISAC's one-lender requirement and Section 2720.42, ISAC's one-holder requirement ~~subsection 2720.40(f)(1)(E)~~.

3. The Educational Lender must agree not to use in written materials or personal interviews any phraseology which would tend to devalue the seriousness of a borrower's indebtedness and its accompanying responsibilities.

4. The Educational Lender must agree that each borrower shall receive a personal interview with an employee of the Institution who is not associated with any admissions or recruitment function and who deals with the borrower solely on loan and credit matters, assuring that the borrower does not identify that person in any way with student grants or other forms of aid.

5. The Educational Lender must agree to conduct an exit interview with each borrower when (s)he terminates enrollment.

6. The Educational Lender must verify continued attendance of borrowers.

7. The Educational Lender must agree to comply with the Disbursement and refund policies set forth in Federal Regulations.

8. The Educational Lender must contract for the servicing and collection functions of its portfolio with a professional student loan service corporation or the Educational Lender must demonstrate that it has staff and facilities to service its own student loans.

9. The Educational Lender must agree that during the repayment periods of its borrowers, the borrowers shall be eligible for a deferment or forbearance of principal repayment for a reasonable period of time, not to exceed one year without permission of the guarantor, during periods of extreme financial hardship caused by unemployment, illness, etc.

10. The Educational Lender must agree to allow the borrower to select the equal monthly payment which, within statutory boundaries, would best suit his/her needs.

11. The Educational Lender may not pledge the notes evidencing these borrower loans as security or collateral except to another Lender approved by ISAC, and then, only by prior permission in each

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instance. Permission must be requested in writing and, if approved, permission shall be granted in writing.

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

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1) The Heading of the Part: Illinois National Guard Grant

2) Code Citation: 23 Ill. Adm. Code 2730

3) Section numbers: Proposed Action:

2730.5
2730.10
2730.20
Amendment
Amendment

4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act. (Ill. Rev. Stat. 1991, ch. 122, secs. 45 and 20(f), as amended by P.A. 87-997, effective September 3, 1992)

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. The amendments to this part are merely technical and grammatical.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

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12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730

ILLINOIS NATIONAL GUARD GRANT PROGRAM

Section

2730.5

Summary and Purpose

2730.10

Applicant Eligibility

2730.20

Program Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act. (Ill. Rev. Stat. 1991, ch. 122, secs. 45 and 20(f), as amended by P.A. 87-997, effective September 3, 1992)

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2730.5 Summary and Purpose

- a) Eligible recipients are entitled to an exemption from payment of Tuition and certain fees at state-controlled universities and community colleges public-postsecondary institutions as described in this Part. If funds appropriated for the Illinois Student Assistance Commission (ISAC) are insufficient to reimburse public postsecondary educational institutions for all eligible recipients, the obligation to pay is transferred to the educational Institution.

- b) This Part establishes Rules which govern the National Guard Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2730.10 Applicant Eligibility

- a) Students must file an application annually indicating the

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Institution to be attended. Application deadlines are specified in subsection 2730.20(d).

- 1) Eligible Applicants will receive an Eligibility Letter from ISAC for each Academic Year following the filing of the application. This letter must be delivered to the educational Institution at which the student is Enrolled. Ineligible Applicants will receive a written notification from ISAC of their ineligibility to receive program benefits.

- 2) ISAC verifies application data in consultation with the Illinois Department of Military Affairs when reviewing an application.

- b) Applicants must have served for at least one year in the Illinois National Guard. Eligibility is available to any enlisted person or any company grade officer including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard.

- c) Fees exempted from payment by this program are limited to Tuition, registration, graduation, and general activity fees. Fees for which the recipient remains financially responsible include: book rental, laboratory, air flight, health insurance, room and board, parking, union, supply, hospital, athletic, and proficiency exams.

- d) Recipients must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.

- e) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement.

- f) Benefits may be used at Illinois public senior universities and at any Illinois public community college.

- g) If a student is eligible for both National Guard and MAP, the National Guard benefits must be used first. A student cannot decline a National Guard Grant in favor of using MAP.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2730.20 Program Procedures

- a) Payment Request

- 1) The Institution must request from each Applicant a valid Illinois National Guard Grant Eligibility Letter. The Institution must maintain two ISAC payment certification forms which certify the Applicant's:

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- A) Social Security Number;
B) name;
C) enrollment;
D) grant amount; and
E) Satisfactory Academic Progress.
- 2) One sheet is to be returned to ISAC for payment and the other retained by the Institution for record and audit purposes.
- b) Within the constraints of appropriation levels, two semester or three quarter Term payments and one summer Term payment are paid made directly to the Institution after it officially certifies to ISAC that the Applicant has registered and is attending classes. No seminars or other special Terms are covered under the grant. Summer Term is considered the final Term of the Academic and fiscal Year.
- 1) Payment certification forms will be mailed each Term to the Institution no earlier than the application deadline date for that Term. Payment certification forms must be returned no later than thirty (30) days after they have been mailed to the Institution by ISAC. Supplemental certification forms must be submitted to ISAC no later than forty-five (45) days after the original payment certification form was mailed to the Institution with the exception of summer Term supplements which must be submitted by the same deadline as the original payment certification for summer Term. All certification forms received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through September 30 following the conclusion of the fiscal year).
- 2) Claims will be paid as follows:
 - A) First semester and first quarter claims received by the designated deadline date will be paid or prorated, if funding is insufficient to pay all claims in full.
 - B) If funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.
 - C) If funds still remain after the preceding claims are paid, summer Term claims received by the designated deadline date will be paid, or prorated, if remaining funds are insufficient to pay all summer claims in full.
 - D) In the event that funds are not exhausted by summer Term

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- payments, claims received after the designated deadline dates will be paid or prorated.
- E) If funds are still available when the preceding claims have been paid in full, ISAC will use remaining funds to pay or prorate claims for the balance of non-residents' Tuition for recipients who live out-of-state or out-of-district.
- c) Changes of address, name, status with the Guard, or Institution of attendance must be reported in writing to ISAC. Verification of receipt of changes sent to ISAC will be mailed directly to the Applicant's address recorded with ISAC.
- d) Applicants must file an application each Academic Year indicating the Institution to be attended. No payment will be authorized for any Applicant until a current application is on file. The deadline for application will be October 1 for first Term, March 15 for second semester/second and third quarter, and July 1 for the summer Term. Institution of attendance changes must also be reported by these dates.
- e) Eligible recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.
- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following chart:
- | Number of Hours | Semester School | Quarter School |
|------------------|-----------------|----------------|
| 12 or more hours | 12 units | 8 units |
| 9 - 11.99 hours | 9 units | 6 units |
| 6 - 8.99 hours | 6 units | 4 units |
| 3 - 5.99 hours | 3 units | 2 units |
| 0 - 2.99 hours | 1 unit | 1 unit |
- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will be terminated cease.
- 3) In the event that the recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

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Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize use six eligibility units and would receive \$150.00 in benefits.

- 4) The eligibility units utilized used for a non-credit course shall be the same as the number of eligibility units utilized used for a credit course having the same number of total faculty contact hours.
- f) If a current year Applicant is discharged or has membership extended by the Guard, ISAC will send a revised eligibility letter or ineligibility letter to the Applicant. In the case of discharges, a copy of the letter will be sent to the Institution of record.
- g) If a recipient ceases to be a member of the Guard in mid-term, benefits are terminated and the recipient is responsible for the costs attributed to the remainder of the Term. If an Applicant becomes eligible in mid-term, in accordance with Section 2730.10(b), Applicant is eligible, provided the application is submitted by the deadlines established in subsection (d). Costs are prorated on the basis of the Institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.
- h) Out-of-state residents will receive Tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois Institution; recipients attending out-of-district community colleges, will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of district tuition.
- i) Payments on behalf of a recipient will be made to only one Institution per Term. For any Institution that has a Concurrent Registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.70(d).)

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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- 1) The Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers: Proposed Action:
2733.10 Amendment
2733.20 Amendment
2733.30 Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 40 and 20(f), as amended by P.A. 87-997, effective September 3, 1992).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. The amendments to this Part are merely technical and grammatical changes.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

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- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10 Summary and Purpose

2733.20 Grant Eligibility

2733.30 Program Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 40 and 20(f)), as amended by P.A. 87-997, effective September 3, 1992).

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991 for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992 for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2733.10 Summary and Purpose

- a) Eligible IVG recipients are entitled to an exemption exempt from payment of paying Tuition and certain fees at public postsecondary institutions, as described in this Part. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution.
- b) This Part establishes Rules which govern the Illinois Veteran Grant (IVG) Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2733.20 Grant Eligibility

g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

a) A recipient must have been designated a Qualified Veteran by ISAC. (See: Section 2733.30(a).)

1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.

2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated ceases. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

f) Fees Exempted by the IVG

1) The recipient is exempted from paying most fees including:

- A) Tuition and other instructional fees;
- B) activity, air flight and athletic fees;
- C) matriculation, service and other registration-type fees;
- D) off-campus and other extension course fees;
- E) application fees;
- F) graduation and transcript fees;
- G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
- H) health insurance fees.

3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize use six eligibility units and would receive \$150.00 in benefits.

2) The recipient is responsible for payment of the following fees:

- A) book rental fees;
- B) laboratory and supply fees;
- C) student union fees; and
- D) fees for the operation, maintenance, rental or equipping of any building or facility.

4) The eligibility units utilized used for a non-credit course shall be the same as the number of eligibility units utilized used for a credit course having the same number of faculty contact hours.

3) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate, unless sufficient funds are available to pay benefits in accordance with Section 2733.30(d)(5) of this Part. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

h) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to September 6, 1992.

i) If a student is eligible for both IVG and MAP, the IVG benefits must

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be used first. A student cannot decline IVG benefits in favor of using MAP.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2733.30 Program Procedures

- a) An Applicant must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

1) Definition of "Qualified Veteran"

- A) Any person who served in the Armed Forces of the United States who:

- i) at the time of entering service was an Illinois resident or was an Illinois resident within 6 months prior to entering such service; and
- ii) who after leaving service returned to Illinois within 6 months; or
- iii) if married to a person in continued military service stationed outside Illinois, returned to Illinois within 6 months after his or her spouse's discharge; or
- iv) if married to a person in continued military service, applies for this grant program within 6 months of his or her spouse being stationed within Illinois.

- B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

- C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.

- D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:

- i) the Veteran was honorably discharged from

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- such service for medical reasons directly connected with such service; or
- ii) the Veteran was honorably discharged prior to August 11, 1967; or
- iii) the Veteran was honorably discharged from such service and has at least nine months of active duty, part of which includes service in the Persian Gulf during Operations Desert Shield or Desert Storm.

- 2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard are not eligible for assistance under this Part.

- 3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

- A) An Applicant should submit a copy of ~~their~~ his or her Report of Separation (Form DD 214) with ~~their~~ the application.

- B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides, the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

- C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the Enlistment Contract (Form DD4) and a letter from the commanding officer. The letter must indicate that the Applicant is a member of the Armed Forces at the time of application.

- 4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may establish Illinois residency in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (f)(3). The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program.

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- 5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(c), such designation shall expire upon discharge from the Armed Forces.
- b) A Qualified Veterans Veteran shall be issued a notice of eligibility. To receive an Illinois Veteran Grant, an Applicants Applicant must submit a copy of their the notice of eligibility to the Institution within three months following the last scheduled day of classes for the Term for which a grant is requested. A Qualified Veterans Veteran who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of their that IVS ID card to the Institution.
- c) Institutions shall submit a payment request to ISAC. The deadlines for submission of a complete payment requests shall be October 15 for summer Terms; February 15 for first Term; and June 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20, Grant Eligibility.

d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.

- 1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.
- 2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.
- 3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.
- 4) If funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated.
- 5) In the event that funds are not exhausted, claims for the difference between in-district and out-of-district tuition will be paid when the recipient(s) does for recipients who do

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not qualify for a charge-back charge-backs, or prorated if funds remaining are insufficient to pay all such claims in full.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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1) The Heading of the Part: Merit Recognition Scholarship (MRS) Program

2) Code Citation: 23 Ill. Adm. Code 2761

3) Section numbers: Proposed Action:

2761.10 Amendment
2761.20 Amendment
2761.30 Amendment

4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991., ch. 122, secs. 30 and 30(h)).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2761.20 includes statutory definitions for the convenience of persons reading these rules so they will not have to refer to Illinois Revised Statutes in order to understand the defined terms used within this Part. The amendments to other sections of this Part are merely for clarification.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section

2761.10

Summary and Purpose

2761.20

Definitions

2761.30

Program Procedures

2761.40

Program Procedures (Repealed)

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991., ch. 122, secs. 30 and 30(h)).

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2761.10 Summary and Purpose

a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1,000 award which must be used for enrollment at an approved Illinois postsecondary institution.

b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2761.20 Definitions

"Approved High School" - means any public high school located in this State; and any high school located in this State or elsewhere

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(whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those of public high schools located in this State. Defined at (Section 30-15-2(e)) 10 of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15-2(e) sec. 10.)

"Cumulative Grade Point Average" - The means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as those completed for admission, placement, or other similar purposes.

"Eligible Applicant" - means a student from any approved high school located in this State whose 7th semester cumulative high school grade point average is at or above the 95th percentile, or 90th percentile with respect to students who graduated from such an approved high school during the 1986-87 or 1987-88 school year, of his or her high school class, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section. Defined at (Section 30-15-7b) 39(a) of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1990-Supp. 1991, ch. 122, par. 30-15-7b sec. 30(a).)

"Graduating Class" - The total number of students to complete the high school's program of instruction and graduate within an Academic Year.

"Qualified Student" - means a person: (i) of good moral character who is a resident of this State and a citizen or permanent resident of the United States, (ii) who, as an eligible applicant, has made a timely application for a merit recognition scholarship under this Section, (iii) who has successfully completed the program of instruction at any approved high school located in this State, and (iv) who enrolls or is enrolled in a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree. Defined at (Section 30-15-7b) 30(a) of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1990 Supp. 1991, ch. 122, par. 30-15-7b sec. 30(a).)

"Seventh Semester" - The means the period of instruction, at the completion of which, a student has completed eighty percent of the Approved High School's program of instruction. The seventh semester will usually be the student's next-to-last term.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2761.30 Program Procedures

a) In February of every year, Approved High Schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are Eligible Applicants.

- 1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by Approved High Schools shall be subject to audit by ISAC.
- 2) Eligible Applicants must have completed their Seventh Semester of instruction at an Approved High School in Illinois.

b) Eligible Applicants shall be sent a Merit Recognition Scholarship application which must be completed by the student and the postsecondary institution attended by the Applicant. A complete application must be received by ISAC within one year of High School Graduation but absolutely no later than prior to June 15th of the Academic Year immediately following graduation from the Approved Illinois High School. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.

c) ISAC shall disburse scholarship funds in two increments based on the Terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer Term.

- 1) The application form constitutes a request for payment of first Term benefits. ISAC shall issue payment request rosters for Institutions to request payment for subsequent Terms.

2) Funds shall be remitted to Institutions on behalf of the Qualified Students. When requesting payment of scholarship funds, the Institution shall certify that the recipient is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

3) Upon receipt of scholarship funds, the Institution shall verify the recipient's recipients' enrollment status. If the recipient is Enrolled, the Institution may credit the disbursement funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the recipient.

4) If the recipient has withdrawn from enrollment or drops to

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less than half-time enrollment prior to disbursement, the Institution shall return the disbursement funds to ISAC.

d) Scholarship funds are applicable to two semesters or three quarter Terms and must be used for educational expenses, including, but not limited to, Tuition and fees, room and board, books and supplies, and travel and personal expenses related to the student's enrollment.

e) Should the recipient withdraw from enrollment during the first-Term financed by the scholarship, the recipient shall return the funds disbursed to ISAC.

f) Notwithstanding the previous provisions of this Section, students who graduated during the 1986-87 or 1987-88 school year whose grade point averages were at or above the 90th percentile of their high school class and who were otherwise eligible to apply for a scholarship under this Section Part shall:

- 1) be eligible for a scholarship in the amount of \$500;
- 2) have had their names certified as eligible Eligible Applicants by Approved High Schools on forms submitted to ISAC;
- 3) have submitted an application to the Institution at which they are currently enrolled by November 15th of the academic year in which funds are appropriated for this purpose;
- 4) have Institutions verify that the Qualified Student is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; and is not the recipient of a baccalaureate degree;
- 5) have the scholarships awarded under this subsection provided by a separate appropriation of the General Assembly; and
- 6) have a scholarship awarded by ISAC in order of decreasing percentile as determined by their 7th semester cumulative high school grade point average, if funds appropriated are insufficient to provide all Qualified Students with an award.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Minority Teachers of Illinois (MTI)
Scholarship Aid Program

- 2) Code Citation: 23 Ill. Adm. Code 2763

- 3) Section numbers: Proposed Action:
2763.10 amendment
2763.20 amendment
2763.30 amendment
2763.40 amendment
2763.50 amendment

- 4) Statutory Authority: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.7f, as amended by Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.4(f), as amended by P.A. 87-997, effective September 3, 1992).

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. Additionally, three new laws (i.e., 87-1004, effective September 3, 1992; 87-0920, effective January 1, 1993; and 87-997, effective September 3, 1992), affecting the Minority Teachers of Illinois Scholarship Program were recently enacted. Therefore, ISAC proposes the following substantive amendments: Section 2763.10 has been amended to delete the reference to "Aid" in order to comply with P.A. 87-997, which changed the name of this program; toward that same end all references to "aid" have been removed throughout this Part. Section 2763.20 includes statutory definitions for the convenience of persons reading these rules so that they will not have to refer to the statute to understand defined terms. Section 2763.30(b) has had portions deleted since the requirements for eligibility are spelled out in the definition of "qualified student." Section 2763.30(d) clarifies that 30 percent of the funds, rather than the number of scholarships, are reserved for qualified male students, in accordance with P.A. 87-997. Section 2763.30(e) has been added to further the goal of the program (to encourage academically talented minority students to pursue careers as teachers in Illinois) by giving priority to renewal applicants. Section 2763.30(f)(2) has been changed to reflect the revised definition of "qualified student." In accordance with P.A. 87-997, Section 2763.30(f)(3) has been amended to delete the prohibition against the receipt of two scholarships for the same academic level. Section 2763.30(h) has been amended in accordance with the addition of new subsection (e), which gives priority to renewal applicants. Section 2763.40(b) has been added for the convenience of previous MTI Scholars who

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will automatically have renewal applications mailed to them by ISAC. Section 2763.40(c) has been amended to include a priority consideration date, by which applications must be submitted to ISAC, to promote the timely processing of scholarships. Section 2763.40(g) has been amended in accordance with P.A. 87-997, which allows for the fulfillment of the teaching commitment at nonprofit schools and preschools in Illinois. Section 2763.40(g)(4) clarifies the method of repayment to ISAC if a scholarship recipient is unable to fulfill the teaching commitment. Section 2763.40(h) has been added to allow for the deferment of payments, provided the recipient meets the conditions outlined in the law authorizing these scholarships. Section 2763.40(i) has been added to forgive the debt of a scholar who is unable to teach on a full-time basis because the scholar has died or has become permanently and totally disabled. Section 2763.50(c) has been changed in accordance with the new definitions added in Section 2763.20.

- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes. There are two sets of emergency rules which were adopted and published that affect this Part: 16 Ill. Reg. 16326, that became effective on September 28, 1992, for a maximum of 150 days; and 17 Ill. Reg. 175 that became effective on January 1, 1993, for a maximum of 150 days.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Wilmot Road
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2763
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP AID PROGRAM

- Section 2763.10 Summary and Purpose
2763.20 Definitions
2763.30 Minority Scholar Eligibility
2763.40 Application Procedures
2763.50 Institutional Procedures

AUTHORITY: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, par. 30-15.7f, as amended by Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 50)).

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2763.10 Summary and Purpose

- a) The Minority Teachers of Illinois Scholarship Aid Program encourages academically talented minority students to pursue careers as teachers at Illinois elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.
- b) This Part establishes the rules which govern the Minority Teachers of Illinois Scholarship Aid Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2763.20 Definitions

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1989, ch. 122, par. 30-15.2(c)); means any public high school located in this

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State, and any high school, located in the State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the Superintendent provides a course of instruction at the secondary level, and maintains standards of instruction, substantially equivalent to those of public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, sec. 50(a), as amended by P.A. 87-997, effective September 3, 1992).)

"Cost of Attendance" - Defined defined at Section 472 of the Higher Education Act of 1965, as amended: (20 U.S.C.A. 108711 (1990)).

"Cumulative Grade Point Average" - The means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - An individual who is eligible to apply for scholarship assistance under this Part, as defined in Section 30-15.7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15.7f(a), as amended by P.A. 87-302, effective September 6, 1991; means a minority student who has graduated from high school and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section. (Section 50(a) of the Higher Education Student Assistance Act)

"Institution of Higher Learning" - Defined at Section 30-15.2(d) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1989, ch. 122, par. 30-15.2(d)); means an educational organization located in this State which (1) provides at least an organized 2 year program of collegiate grade in liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree, (2) either is (A) operated by this State, or (B) operated publicly or privately, not for profit, (3) in the judgment of the Commission meets the standards substantially equivalent to those of comparable institutions operated in this State, and (4) if so required by the Commission, uses the State as its primary guarantor of student loans made pursuant to the Higher Education Act of 1965. For otherwise eligible educational organizations which provide academic programs for incarcerated students, the terms "institution of higher

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learning". "qualified institutions", and "institution" shall specifically exclude academic programs for incarcerated students. (Section 10 of the Higher Education Student Assistance Act.)

"Minority Scholar" - means an An individual who ISAC determined to be eligible to receive an MTL scholarship and who receives or has received scholarship assistance under this Part.

"Minority Student" - Defined-at-Section-30-15-7f(a)-of-the-Higher Education-Student-Assistance-Law-(Ill.-Rev.-Stat.-1990-Supp.-ch. 122,-par.-30-15-7f(a))-as-amended-by-P.A.-87-302,-effective September-6,-1991)- means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race); (iii) Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia; or (iv) Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska. (Section 50(a) of the Higher Education Student Assistance Act.)

"Qualified Student" - An-individual-who-ISAC-determines-to-be eligible-to-receive-scholarship-assistance-under-this-Part,-as defined-in-Section-30-15-7f(a)-of-the-Higher-Education-Student Assistance-law-(Ill.-Rev.-Stat.-1990-Supp.-ch.-122,-par.-30-15-7f(a))-as-amended-by-P.A.-87-320,-effective-September-6,-1991)- means a person (i) who is a resident of this State and a citizen or permanent resident of the United States; (ii) who is a minority student, as defined in this Section; (iii) who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; (iv) who is enrolled on a full time basis at the sophomore level or above at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree; (v) who is enrolled in a course of study leading to a teacher certification; (vi) who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and (vii) who continues to advance satisfactorily toward the attainment of a degree. (Section 50(a) of the Higher Education Student Assistance Act.)

"Teacher Education Program" - means an undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an elementary or secondary school teacher by the Illinois State Board of Education. For the purposes of a student

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who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2763.30 Minority Scholar Eligibility

a) ISAC shall accept applications to be a Minority Scholar in accordance with Section 2763.40 of this Part, Application Procedures.

b) ISAC shall identify Qualified Students from among applications submitted on a timely basis. -A-"Qualified Student"-is-an-individual who-satisfies-the-following-eligibility-criteria:

1)-----is-a-United-States-Citizen-or-an-Eligible-Non-citizen,-and-a Resident-of-Illinois;-and

2)-----is-a-Minority-Student-as-defined-in-Section-30-15-7f-of-the Higher-Education-Student-Assistance-Law-(Ill.-Rev.-Stat.-1990 Supp.-ch.-122;-par.-30-15-7f(a))-as-amended-by-P.A.-87-302;- effective-September-6,-1991)-.-As-provided-in-that-Section;-a Minority-Student-means-a-student-who-is-either:-

A)-----Black-(a-person-having-origins-in-any-of-the-black racial-groups-in-Africa);-or

B)-----Hispanic-(a-person-of-Spanish-or-Portuguese-culture-with origins-in-Mexico;-South-or-Central-America;-or-the Caribbean-islands;-regardless-of-race)-and

3)-----has-graduated-in-the-top-20-percent-of-his-or-her-high-school class;-and

4)-----is-enrolled-or-accepted-for-enrollment-as-an-undergraduate student-at-a-qualified-institution-of-Higher-Learning;-in-an approved-Teacher-Education-Program;-and

5)-----is-enrolled-on-a-full-time-basis-at-the-sophomore-level-or above;-as-defined-by-his-or-her-institution-of-Higher Learning;-and

6)-----has-a-Cumulative-Grade-Point-Average-of-no-less-than-2.5-on-a 4.0-scale;-or-its-equivalent;-and

7)-----is-in-good-standing-with-the-Satisfactory-Academic-Progress-

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Policy of the institution at which he or she is enrolled:

- c) Applicants will be notified whether they are Qualified Students. A non-Qualified Student may appeal a finding of ineligibility in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- d) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be awarded to reserved for male Qualified Students.
- e) Notwithstanding the provisions of subsection (d) above, awards will be made first to renewal applicants.
- f) A Minority Scholar may receive a scholarship renewal provided the Minority Scholar:

1) continues to maintain a Grade Point Average of no less than 2.5 on a 4.0 scale, or its equivalent, at the postsecondary level; and

2) ~~continues to meet the requirements of subsections (b)(1), (4), (5), and (7) of this Section, and maintains his or her status as a Qualified Student, as outlined in Section 2763.20 of this Part, and~~

3) ~~has not previously received a scholarship under this program at the same academic level for which the renewal scholarship is being requested continues to advance satisfactorily toward the attainment of a degree, and~~

4) has submitted an application on a timely basis, in accordance with Section 2763.40(b) of this Part, Application Procedures.

g) No Minority Scholar may receive more than 8 semesters/12 quarters of scholarship assistance under this program.

h) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all Qualified Students with a scholarship, available funds shall be allocated in accordance with subsections (d) and (e) above and on the basis of the dates that the completed applications are received in ISAC's Deerfield office.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2763.40 Application Procedures

a) Applications for the Minority Teachers of Illinois Scholarship Aid Program are available from qualified Institutions of Higher Learning, state legislative and congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

b) ISAC will mail renewal applications to all Qualified Students who received MTI Scholarships during the preceding Academic Year.

c) A completed application must be received in ISAC's Deerfield office on or before September 15th of the academic year the final date of the period of enrollment for which the scholarship is being requested in order to receive priority consideration for a full-year, full-amount award.

d) If an application is incomplete, notification will be sent to the Eligible Applicant. The Eligible Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing when it is complete.

e) Eligibility notification shall be sent to each Qualified Student who is selected as a Minority Scholar.

f) Eligible Applicants shall be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts or any other documentation verifying class-rank upon high school graduation.

g) During any academic year in which a Minority Scholar receives assistance under this Part, the Minority Scholar shall be required to sign ~~an~~ a ~~Application/Teaching Agreement/Promissory Note~~ prior to receipt of any scholarship assistance. The terms of the Teaching Agreement/Promissory Note shall include the following:

- 1) a pledge on the part of the recipient to teach one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
- 2) a stipulation that such teaching commitment will be fulfilled within the 10-year period following the termination of the undergraduate program for which the Minority Scholar received assistance under this Part;
- 3) a stipulation that such teaching commitment will be fulfilled at ~~an~~ a ~~nonprofit~~ Illinois public, private, or parochial

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preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are Minority Students, as certified by the Illinois State Board of Education; and

- 4) a further stipulation that, if the teaching commitment is not fulfilled, the scholarship converts to a loan and the Minority Scholar must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to that determined defined by federal regulations and, if applicable, reasonable collection fees.

- h) A Minority Scholar shall not be in violation of the teaching agreement, set forth in subsection (g) above, if the recipient:

- 1) enrolls as a full-time graduate student in a course of study related to teaching at a qualified Institution of Higher Learning;

- 2) serves, for not more than three years, as a member of the United States armed services;

- 3) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a qualified physician;

- 4) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (g)(3) of this Section, and is able to provide evidence of that fact; or

- 5) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician.

- i) A Minority Scholar shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician, (see e.g., 34 CFR 653.42(k)(1)) or if his or her representative provides ISAC with a death certificate or other evidence that the scholar has died.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2763.50 Institutional Procedures

- a) The Institution shall submit the signed Application/Teaching Agreement/Promissory Note to ISAC on behalf of the Minority Scholar.

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The submission of the signed Application/Teaching Agreement/Promissory Note shall represent the Institution's request for payment.

- b) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship; except that, multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded.

- c) Funds shall be remitted by ISAC to Institutions on behalf of Qualified Students Minority Scholars. When requesting payment of scholarship funds, the Institution shall certify to ISAC that the Applicant is a Qualified Student as defined in Section 2763.30 2763.20 of this Part.

- d) Scholarship funds are applicable towards two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify the Scholar's enrollment status. If the Minority Scholar is Enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the Minority Scholar. If the Minority Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.

- e) Scholarship Amount

- 1) In accordance with this subsection, the Institution at which the Minority Scholar is enrolled shall compute the size of the scholarship and submit a completed, certified Application/Teaching Agreement/Promissory Note. The Minority Scholar must have reviewed and signed the Application/Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.

- 2) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fee and room and board charges or commuter allowances, if applicable. The annual scholarship awarded to a Qualified Student must not exceed:

- A) tuition and fees plus room and board expenses charged by the Institution (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e), General Institutional Eligibility Requirements); or

- B) tuition and fees plus the standard commuter allowance

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for students living off-campus (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e)); or

- C) a maximum of \$5,000.
- 3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a Scholar in a given academic year, when added to the other financial aid available to the Minority Scholar for that year, cannot exceed the Cost of Attendance.
- 4) In any Academic Year in which the Minority Scholar accepts financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Scholar shall not be eligible for scholarship assistance under this Part.
- 5) A Minority Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Minority Scholar's Cost of Attendance exceeds the amount of the scholarship.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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- 1) The Heading of the Part: Monetary Award Program (MAP)

- 2) Code Citation: 23 Ill. Adm. Code 2735

- 3) Section numbers: Proposed Action:

2735.10	Amendment
2735.20	Amendment
2735.30	Amendment
2735.40	Amendment
2735.50	Amendment
2735.60	Amendment
2735.70	Amendment
2735.80	Amendment
2735.100	Amendment

- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 35 and 20(f), as amended by P.A. 87-997, effective September 3, 1992).

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2735.10(a), which outlines the purpose of this program, has been changed to include the word "resources" rather than "strength" in order to more specifically describe the factors on which monetary grants are awarded. Section 2735.20(a)(3) now requires that students be enrolled in a degree or certificate program in order to be eligible for MAP grants. This parallels a similar requirement for Federal Pell Grant eligibility. Section 2735.30(a) has been modified since one application enables a student to apply for various forms of financial aid, not only the Federal Pell Grant. Section 2735.40 includes amendments intended strictly for clarification purposes. Section 2735.50(f) includes a proposed gift aid limitation for MAP recipients. As proposed, the limit to be used would be computed by subtracting the student's MAP self-help amount from the student's cost of attendance used to award Title IV aid. Section 2735.70 also contains amendments intended solely for purposes of clarification. Section 2735.80(b)(3) formalizes an emergency rule amendment that was adopted last fall. Section 484B of the Higher Education Act was added in 1992 to require pro-rata refunds to first-time student aid recipients who withdraw prior to the expiration of 60 percent of the period of enrollment for which the students have been charged. This change in federal law compelled many postsecondary institutions in Illinois to extend their refund adjustment periods, from the general two-week period to two to three months into a term.

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Previously, MAP rules precluded schools from submitting MAP payment requests for students until after the expiration of their refund adjustment period. If this rule were not amended, schools would be required to delay the submission of their payment requests for as long as two to three months into the term, a practice which would create an undue hardship on both the students and the schools ISAC is charged to serve. Section 2735.100 contains amendments intended strictly for clarification purposes.

- 6) Will this proposed amendment replace an emergency rule currently in effect? Yes. The amendment to Section 2735.80(b)(3) was originally published as an emergency rule at 16 Ill. Reg. 19237 and became effective on November 23, 1992, for a maximum of 150 days.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735
MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Application for MAP Grants
2735.30	Determination of Financial Eligibility
2735.40	Institutional Packaging of Gift Assistance
2735.50	Institutional Eligibility
2735.60	Enrollment Requirements
2735.70	Disbursement of MAP Grants
2735.80	Contractual Agreement Requirements
2735.100	Contractual Agreement Requirements
2735.100	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 35 and 20(f), as amended by P.A. 87-997, effective September 3, 1992.)

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992; for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2735.10 Summary and Purpose

- a) The Monetary Award Program (MAP) provides direct grant assistance to eligible students. MAP grants are apportioned among otherwise eligible Applicants on the basis of relative financial strength resources and available funds. Recipients must Enroll at approved nonprofit Illinois Institutions in order to use MAP grants.
- b) This Part establishes Rules which govern the Monetary Award Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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Section 2735.20 Applicant Eligibility

- a) All MAP Grant recipients must be:
 - 1) Citizens or Eligible Non-citizens Noncitizens of the United States, and Residents of Illinois.
 - 2) Students in good standing in accordance with their Institution's policy of Satisfactory Academic Progress.
 - 3) Enrolled in a degree or certificate program on at least a Half-time basis at a MAP-approved postsecondary Institution. (See: Section 2735.60.)
- A) A recipient may receive MAP grant payment for less than Half-time enrollment provided the recipient was Enrolled on at least a Half-time basis throughout the Institution's Tuition refund/withdrawal adjustment period. (See Section 2735.70(g).)
- B) Effective with Terms beginning on or after July 1, 1990, no person who is incarcerated may receive a MAP grant.
- b) All recipients must demonstrate financial eligibility as determined from the financial data supplied to the Illinois Student Assistance Commission (ISAC). (See: Section 2735.40.)
- c) Eligibility is restricted to undergraduate students.
 - 1) MAP recipients must not have received a baccalaureate degree.
 - 2) Graduate Students are not eligible for MAP assistance. For purposes of this Part, an Institution shall classify as a "Graduate Student" any student who:
 - A) is enrolled in an academic program or course above the baccalaureate level which is leading to any degree above the baccalaureate level; and
 - B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and
 - C) has completed the equivalent of at least three years of Full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

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- d) A recipient may receive the equivalent of 10 semesters/15 quarters of Full-time equivalent MAP grant payment. (See: 23 Ill. Adm. Code 2700.40(h).) If a recipient has accumulated less than sixty eligibility units, he/she she may receive one additional Term of Full-time MAP assistance.
- e) Seniors in their last Term of enrollment prior to receiving a baccalaureate degree and Applicants Enrolled in student teaching are classified as Full-time Students for purposes of MAP grant eligibility.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2735.30 Application for MAP Grants

- a) An application for a MAP grant must be submitted annually. An applicant Applicants may use one of uses the forms form which the United States Department of Education (ED) designates as an application form for federal student financial aid the Pell-Grant program. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070a).)
- b) Priority Consideration Dates
 - 1) Regular School Year applications must be received before June 1 immediately preceding the Regular School Year for which the application is being made from students who were Enrolled in a postsecondary Institution during the previous Regular School Year in order to receive priority consideration for a full year award. Regular School Year applications must be received before October 1 from students who were not Enrolled during the previous Regular School Year in order to receive priority consideration for a full year award.
 - 2) Applications received after the priority dates will be considered for MAP awards based on available funds, if any, for partial year or reduced awards.
 - 3) Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating midyear may request that their winter or spring award be used for fall term.
 - 4) Applications from students qualifying for special conditions pursuant to the Federal Pell Grant Program will be considered as long as there is available funding. (See 34 CFR 690.31 and 690.32 (1990).)

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- 5) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority dates established by this subsection (b).
- c) When an application is incomplete, a notice will be sent to the Applicant. The Applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the Applicant may be considered only for subsequent Term(s) Term awards.
- d) ISAC informs Applicants that they are MAP recipients on the basis of application data. All announced MAP recipients are subject to verification and awards are contingent upon the availability of funds.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2735.40 Determination of Financial Eligibility

- a) Applicants, spouses, and the Parents of Applicants are required to submit financial information on the application, which will be kept confidential, regarding income, asset value, and non-taxable income (e.g., Aid to Families of Dependent Children, public aid, veterans' benefit benefits or Social Security).
- b) After receipt of corrected data, ISAC shall recalculate awards for those Applicants whose applications are not in basic agreement with their financial records.
- c) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved Institution of the Applicant's choice, and is reevaluated if the student's Institution choice of Institution changes.
- d) MAP grant recipients request payment through their educational Institution. MAP grant funds are remitted directly to the educational Institution in the name of the recipient after the Institution certifies an Applicant is an eligible recipient.
- e) MAP grants are applicable only toward Tuition and Mandatory Fees. MAP grants may not exceed the:
- 1) maximum award specified at Ill. Rev. Stat. 1989 1991 ch. 122, par. 30-15.7(e) sec. 35(c).
 - 2) Institution's Tuition and Mandatory Fee charges on file with ISAC.
- f) The maximum MAP grant available to a recipient attending a public

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community college is limited to the in-district Tuition and Mandatory Fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.

- g) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2735.50 Institutional Packaging of Gift Assistance

- a) MAP recipients must report to the Institution all additional Gift Assistance that applies toward Tuition and Mandatory Fees, such as Tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for Tuition and fees, the combined assistance shall not exceed the total Tuition and fee expenses incurred.
- c) If an Applicant is eligible for assistance under the Illinois National Guard (NG) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the Applicant is not eligible for a full MAP grant because NG and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The Institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an Applicant is eligible to receive Tuition or fee benefits through a prepaid or reimbursable Tuition plan, or through a payment to the Institution by the Applicant's employer, the Institution shall request MAP payment in accordance with this subsection:
- 1) A prepaid Tuition plan is any program which exempts a student from Tuition charges because of a payment(s) to the Institution at a time prior to the student's enrollment. A reimbursable Tuition plan is a program which reimburses a student for Tuition costs after satisfactory completion of course work.
 - 2) The Institution shall recalculate the Applicant's MAP eligibility by decreasing the Applicant's Tuition and fee charges by the amount of benefits the Applicant is eligible to receive from the sources in subsection (d)(1) above. The Institution shall report the Applicant's reduced grant award

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on the payment request list. (See: Section 2735.80.)

g3) The provisions of this subsection shall not apply to benefits derived from the Baccalaureate Savings Act (Ill. Rev. Stat. 1989 1991, ch. 144, par. 2401 et seq. and 23 Ill. Adm. Code 2771).

f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's Gift Assistance may not exceed the Institution's cost of attendance used to calculate Title IV aid for that student minus ISAC's expected self-help amount for that student. The Institution is required to reduce the MAP award to stay within the calculation specified by this subsection.

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

Section 2735.60 Institutional Eligibility

To receive MAP grant payments, recipients must enroll at ISAC-approved colleges, universities, or professional colleges. (See: 23 Ill. Adm. Code 2700.30) The Institution must offer at least a two-year organized program of collegiate study directly applicable towards the attainment of an associate or baccalaureate degree. Institutions which provide a program in health education directly applicable toward the attainment of a certificate, diploma, or associate degree are also eligible. All eligible Institutions must be nonprofit and located in Illinois. If an Illinois Institution operates a satellite campus outside of Illinois, Residents of Illinois Enrolled in classes at the satellite campus may receive MAP benefits in accordance with Section 2735.70(e).

(Source: Amended at 17 Ill. Reg. ____, effective ____, 1993)

Section 2735.70 Enrollment Requirements

a) It is the responsibility of MAP recipients to gain admission to approved Illinois Institutions. Illinois Institutions are not obligated to admit Monetary Award recipients. Once the recipient is Enrolled and attending classes, the Institution shall receive payments for Tuition payments and other Mandatory Fees provided by the award. The Institution is obligated to provide Monetary Award recipients the same facilities and instructions, at on the same charges terms, as are provided to other students.

b) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. (See: e.g., 23 Ill. Adm. Code 215.)

c) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, non-credit course offerings (except qualifying remedial courses), or correspondence courses. Such

course work cannot be used to meet the Half-time or Full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial coursework (i.e., 30 semester hours or 45 quarter hours).

d) For any Institution which has Concurrent Registration opportunities, the following policy pertains:

- 1) The recipient must indicate his/her Institution of record on the MAP application.
- 2) The payment of the Term award by ISAC will require the Institution of record to receive MAP payment on behalf of both Institutions and to distribute the appropriate share of the award to the other Institution. Payment by ISAC will not be made to two Institutions.
- 3) The amount paid cannot exceed the maximum Term award for Full-time or Half-time students Students at the Institution of record, or the Tuition and Mandatory Fee costs of attending both at the Institution of record if the costs are less than the maximum Term award.
- 4) Concurrent Registration is limited to MAP-approved Institutions.
- 5) The records recipient's official academic transcript at the Institution of record must indicate the total number of credit hours in which the student is Enrolled.

e) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with the following provisions:

- 1) The recipient must be Enrolled at the MAP-approved Institution, and the out-of-state/foreign study must be in conjunction with the approved Institution's curriculum;
- 2) The MAP-approved Institution must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit;
- 3) The recipient must be Enrolled Full-time and must be charged Tuition and fees at least equal to Tuition and Mandatory Fees charged all students.

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- 4) An Institution shall not request more than two semesters/three quarters of MAP assistance for any one recipient.
- f) If an announced recipient's credit hour enrollment decreases, the Institution shall only request payment up to the amount of actual expenses incurred.
- g) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive MAP grant payment for costs incurred up to the Term award provided the Institution's Tuition refund policy indicates the Applicant has incurred charges in the amount of the claim.
- h) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See: 23 Ill. Adm. Code 2700.40(h).)

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2735.80 Disbursement of MAP Grants

- a) Upon receipt of a payment request from the Institution, ISAC remits MAP grant funds to the Institution on behalf of the recipient. The Institution shall credit these funds to the recipient's account.
- b) MAP grants are divided into two semester or three quarter regular Term payments and are paid directly to the approved Institution which certifies to ISAC that the Applicant is an eligible recipient.

- 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.

- 2) Late return of payment request lists will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

- 3) Under no circumstances are Institutions to return their payment request lists until after the second week of classes Institution's Tuition-refund/withdrawal-adjustment-period has expired for the Term for which they are requesting payment.

- c) MAP grant payment is subject to the limits of dollars appropriated to the ISAC by the General Assembly.

- d) Institutional Processing of Payments

- 1) Within thirty days of receiving payment of any MAP funds

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claimed or advanced pursuant to this Section, the Institution shall credit the MAP funds against the recipients' Tuition and Mandatory Fee charges for the appropriate Term.

- 2) Following receipt of payment for the Term, Institutions are required to review payments received through the ISAC Monetary Award Program. Any payments received by the Institution that are determined in the review to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Refunds may be caused by billing errors, retroactive withdrawals, and other miscellaneous reasons authorized by these Rules. Should the payment arrive after the end of the Term, the Institution will have 30 days following receipt of payment to complete the review process and return any refunds due.

- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same Institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than September 1 due to the State's fiscal year lapse period ending on September 30.

- 5) Payment requests received after September 1 for the prior Academic Year will be processed as time and available funds permit; however final action may require Institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See: The Court of Claims Act (Ill. Rev. Stat. 1989 1991, ch. 37, par. 439.1 et seq.).)

- 6) If the Institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

e) Advance Payment Option

- 1) MAP-approved Institutions may request consideration for the advance payment option. To be eligible, the Institution must have received MAP payments for each of the last five Academic Years, and ISAC must have completed an audit of the Institution's performance during the aforementioned Academic Years. Institutions with provisional eligibility shall not receive advance payments. (See: 23 Ill. Adm. Code

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2700.30(1)(5).)

- 2) Subject to the availability of funds, payments are advanced on a Term-by-Term basis. Advance payments are made in an amount not to exceed seventy-five percent of a Term's announced recipients, adjusted for attrition as determined by subsection (3)(B). The formula by which ISAC computes an Institution's advance payment is illustrated in Appendix A of this Part.
- 3) For purposes of computing an Institution's advance payment, ISAC utilizes uses the lowest retention rate resulting from the following three formulae.
 - A) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards.
 - B) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year.
 - C) Utilizing Using the formula in subsection (e)(3)(B) above, compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.
- 4) Requests for advance payment shall be submitted by June 1st with the annual tuition and fee charges (see 23 Ill. Adm. Code 2700.30(e)). The balance of payment due for the current Term will be paid to the Institution after ISAC receives a payment request.
- 5) If an Advance Payment received by an Institution exceeds the total grant payments for which that Institution's students are eligible, the Institution shall submit the appropriate refund to ISAC prior to the end of the Academic Year.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2735.100 Contractual Agreement Requirements

- a) The primary purpose of a MAP-approved contractual course of study must be educational and must lead to, and be required for, a degree or certificate in a published course of study offered by an ISAC-approved Institution.
- b) All contractual agreements between ISAC-approved public Institutions and non-approved Institutions must be programs approved by the

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Illinois Board of Higher Education (IBHE). (See: 23 Ill. Adm. Code 1050.) All ISAC-approved Institutions not governed by the IBHE program review and approval procedures shall submit their contractual agreements to ISAC for approval prior to requesting MAP payment for any contractual course work taken. ISAC shall approve the contractual agreement if the terms are consistent with this Section.

- c) The Institution of record must be an ISAC-approved Institution.
- d) An ISAC-approved Institution may enter into a contractual agreement with a non-approved Institution/agency only if the approved ISAC Institution does not have specific educational facilities and faculties available within the Institution to offer the Illinois Board of Higher Education approved programs.
- e) All ISAC-approved Institutions are required to submit to ISAC a published curriculum of all courses leading to a certificate or degree in all programs involving contractual agreements between two or more Institutions/agencies. Only courses required for these programs that are included in the published curriculum will be eligible for ISAC payment. Furthermore, only those courses approved by the Illinois Community College Board for baccalaureate or vocational programs in the public community colleges will be eligible for ISAC payment at the public community colleges.
- f) The governing boards of all ISAC-approved Institutions not subject to IBHE contractual guidelines and/or program review and approval procedures should certify to ISAC that the following items are included within the contractual agreement and are the responsibilities of the ISAC-approved Institution:
 - 1) Administrative responsibility for the program is with the ISAC-approved Institution;
 - 2) Provisions for program supervision including on-site visits by the ISAC-approved institution;
 - 3) Admission policies consistent with the approved Institution's policies;
 - 4) Procedures for the maintenance of records and transcripts by the ISAC-approved Institution;
 - 5) Statement on student Tuition, fees, and other charges;
 - 6) Number of credit hours required and criteria for course completion within the program consistent with the ISAC-

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approved Institution's policies and guidelines for all programs;

7) Student withdrawal policy consistent with ISAC-approved Institution policy;

8) Maintenance of liability insurance;

9) Responsibility for faculty employment and evaluation;

10) Availability of student auxiliary services;

11) Consistency with policies, rules, and regulations of other state approval agencies;

12) Establishment and utilization of a representative advisory committee;

13) Provision for follow-up studies consistent with the ISAC-approved Institution practices;

14) Annual program and contract review by the ISAC-approved Institution; and

15) Certification that the non-approved Institution/agency meets statutory requirements and is approved by appropriate State of Illinois agencies and boards.

g) ISAC requires all ISAC-approved Institutions to indicate the percentage of their own students who participate in the contract program(s) of study, and the percentage of all students Enrolled in the non-approved Institution/agency who will receive Tuition assistance through an approved contractual agreement. When either of these percentages exceed 30%, the contractual agreement will not be approved by ISAC.

h) All students wishing to enter into programs where contractual courses are taken must be informed by the ISAC-approved Institution whether these courses are eligible for ISAC payment.

i) The Consortium Agreement shall be filed with ISAC along with annual tuition and fee charges (see: 23 Ill. Adm. Code 2700.30(e)).

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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1) The Heading of the Part: Paul Douglas Teacher Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2762

3) Section numbers: Proposed Action:

2762.10 Amendment

2762.20 Amendment

2762.30 Amendment

2762.40 Amendment

4) Statutory Authority: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 20 (b) and (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 20(b) and (f)).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2762.10(a) has been modified to more accurately reflect the purpose of the program. Section 2762.20 contains amendments that are merely for clarification. Section 2762.30(d)(3) has been revised to comply with the Higher Education Amendments of 1992, which require that states participating in this program must now give special consideration to specific applicant populations, including the following: applicants who intend to teach in certain geographical areas; applicants who commit to teach particular student populations (i.e., disabled students, preschool students, etc.); applicants who agree to teach in a curricular area in which there is a demonstrated shortage of qualified teachers; and, applicants from disadvantaged backgrounds. (See Section 521 et seq. of the Higher Education Amendments of 1992, P.L. 102-325.) Section 2762.30(d)(3) has been amended to reflect the revised methodology by which eligibility for federal financial aid is determined. Section 2762.40(b) has been modified to clarify the application deadline dates for continuing students and for students not enrolled during the previous academic year. Section 2762.40(e)(3) reflects changes in federal law which now allow Paul Douglas Scholarship recipients to fulfill their teaching obligations in a broader spectrum of schools and curricula. Section 2762.40(h) outlines federal deferment categories which will allow recipients to postpone temporarily repayment of their awards. Section 2762.40(i) adds a forgiveness provision for those recipients who are unable to fulfill their teaching obligations because of a permanent and total disability. Section 2762.40(j) has been added to refer to ISAC appeal procedures if an applicant or recipient disagrees with an administrative decision.

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- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2762

PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Section	Summary and Purpose
2762.10	Definitions
2762.20	Scholar Eligibility
2762.30	Program Procedures
2762.40	

AUTHORITY: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 20 (b) and (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 20(b) and (f)).

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 Ill. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at 16 Ill. Reg. 11313, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2762.10 Summary and Purpose

- a) The Paul Douglas Teacher Scholarship Program enables and encourages outstanding high school graduates to pursue teaching careers at the pre-school, elementary or secondary school level by providing financial assistance in the form of a scholarship.
- b) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), Institutions, and Scholars. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois. (See: 34 CFR 653 (1990).)
- c) Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2762.20 Definitions

"Federal Regulation" - Regulations promulgated by the United States

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Department of Education (ED) and codified at 34 CFR 653 (1990).

"Qualified Applicant" - An Applicant who meets the requirements of Section 2762.30(b).

"Scholar" - An individual who has received scholarship assistance under this Part.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2762.30 Scholar Eligibility

- a) ISAC shall accept applications to be a Paul Douglas Teacher Scholar in accordance with Section 2762.40, Program Procedures.
- b) From among the timely Applicants, ISAC shall identify the Qualified Applicants. A "Qualified Applicant" is defined as an individual who meets the requirements of this subsection.

- 1) A Qualified Applicant must be a United States Citizen or an Eligible Noncitizen, and a Resident of Illinois.

- 2) A Qualified Applicant must be a high school graduate who:

- A) graduated in the top ten percent of his/her graduating class; or
 - B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States' high school graduates.
- 3) A Qualified Applicant must be Enrolled, or accepted for enrollment, as an undergraduate student in a Teacher Education Program.

- A) The Applicant must be Enrolled or accepted for enrollment on a Full-time basis and maintaining satisfactory progress in accordance with the

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Institution's Satisfactory Academic Progress Policy.

- B) Enrollment must be with a postsecondary Institution that is approved by the Department of Education to participate in federal student assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)

- c) Applicants will be notified whether they are Qualified Applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.

- d) Recipients shall be selected from among the Qualified Applicants on the basis of the following criteria:

- 1) Postsecondary Academic Level. Awards will be made first to renewing applicants, then to all seniors, then to all juniors, then to all sophomores, and then to all freshmen.

- 2) Institution Location. If there are insufficient funds to award scholarships to all Qualified Applicants, those enrolled in Illinois institutions will receive priority over Applicants attending out-of-state institutions.

- 3) Special Consideration. If there are insufficient funds to award scholarships to all Qualified Applicants attending Illinois institutions, ISAC shall give special consideration to Qualified Applicants who are within the same academic level and who:

- A) intend to teach or provide related services to students with disabilities;

- B) intend to teach limited English proficient students;

- C) intend to teach preschool age children;

- D) intend to teach in schools servicing inner city or rural or geographically isolated areas;

- E) intend to teach in curricular areas or geographic areas where there are demonstrated shortages of qualified teachers; or

- F) are from disadvantaged backgrounds, including racial and ethnic minorities and individuals with disabilities and are underrepresented in the teaching profession or in the curricular areas in

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which they are preparing to teach.

43) Shortage of Teachers. If there are insufficient funds to award scholarships to all Qualified Applicants within a given Academic Level who are entitled to special consideration, awards will be made first to all Applicants Enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54. Subpart D.) Funds will next be awarded to Applicants at the same Academic Level in nonshortage disciplines.

54) Congressional The Expected Family Contribution (EFC) derived from Federal Methodology Family Contribution (CMFC). If funds are insufficient to make awards to all Applicants who are entitled to special consideration, to all applicants in shortage disciplines or to all Applicants in non-shortage disciplines, within an Academic Level, Applicants will be ranked in order of the Applicant's CMFC EFC, from lowest to highest. (See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1087kk).) Awards will be made within the relevant group in order of increasing CMFC EFC.

e) A Scholar shall receive a scholarship renewal provided the Scholar continues to meet the requirements of subsections (b)(1) and (3) above. No Scholar may receive more than eight semesters/twelve quarters of scholarship assistance. A Scholar shall not receive a scholarship renewal if the Scholar remains at the same academic level for more than two years.

f) The total number of Scholars selected is contingent upon the available funds and the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2762.40 Program Procedures

a) Applications for the Paul Douglas Teacher Scholarship Program are available from: approved High Schools in Illinois; offices of Congressional Representatives from the State of Illinois; offices of ISAC in Springfield, Chicago, and Deerfield, and; postsecondary Institutions throughout Illinois.

b) A completed application must be received in ISAC's Deerfield office, from a student who was enrolled in a postsecondary institution

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during the previous regular school year on or before June 1 preceding the Academic Year for which the scholarship would be available to that student. except that Applicants who were not enrolled during the previous regular school year and who would be utilizing using the scholarship at the freshman Academic level must submit a completed application on or before August 1 preceding the Academic Year for which the scholarship would be available.

1) All first-time Applicants must also apply for a Federal Pell Grant for the purpose of determining federal student financial aid to determine CMFC EFC. (See: 20 U.S.C.A. 1070a.)

2) First-time applicants must also provide their postsecondary Institution a copy of their high school transcript or any other documentation which verifies rank in class upon high school graduation. The Institution shall certify to ISAC whether the Applicant is a Qualified Applicant as defined at Section 2762.30(b).

c) A congratulatory letter shall be sent to each Qualified Applicant who is selected as a Scholar. A listing of Scholars shall be made available to Institutions, members of Congress, and to the media.

d) Renewal applications are mailed annually to eligible Scholars and must be submitted to ISAC before the deadline stated on the Renewal application.

e) Prior to receiving scholarship assistance for any Academic Year, the Scholar must sign a Teaching Commitment Agreement/Promissory Note.

1) The Institution shall submit the signed Teaching Commitment Agreement/Promissory Note to ISAC.

2) The Teaching Commitment Agreement/Promissory Note shall require the Scholar to either:

A) fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded, or

B) repay all or part of the scholarship, plus interest, as provided by Federal Regulations. (See: 34 CFR 653.42 (c)(1).) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.

3) The Teaching Commitment/Promissory Note shall include:

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- A) a stipulation that the Scholar teach on a full-time basis for a period of not less than two years, for each year of assistance received, in a public or private nonprofit preschool, elementary, or secondary school, or
- B) a stipulation that the Scholar teach, on a full-time basis, children with disabilities or children with limited English proficiency in a private non-profit school, and
- C) a stipulation that teaching time shall be reduced to one-half if performed in a geographic area or an academic discipline certified as a "teacher shortage area" by the U.S. Secretary of Education.

f) Scholarship Amount

- 1) In accordance with this subsection, the Scholar's postsecondary Institution shall compute the amount of the scholarship and shall submit a request form. The Scholar must have reviewed and signed the Payment Request Form.
- 2) Except as otherwise provided in this subsection, scholarships shall be in the amount of \$5,000 if the student is enrolled for the full Academic Year. The maximum scholarship for one semester is \$2,500; the maximum scholarship for one quarter is \$1,666.67.

- 3) If a Paul Douglas Teacher Scholarship, when added to the amount the Scholar is to receive for the same Academic Year under Title IV of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1070 et seq.), would exceed the Scholar's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965 (20 U.S.C.A. 108711), as amended, the Institution shall reduce the scholarship by the amount in which the combined awards would exceed the Scholar's cost-of-attendance; take the receipt of the scholarship into account in determining the student's eligibility for other federal financial aid programs.

- 4) In any Academic Year in which the Scholar accepts financial assistance through the Teacher Shortage Scholarship Program, the Mathematics or Science Teacher Scholarship Program (See: 23 Ill. Adm. Code 54: "Fellowship, Traineeship and Scholarship Programs"), or the Minority Teachers of Illinois Scholarship Aid Program (see: 23 Ill. Adm. Code 2763), the Scholar shall not be eligible for scholarship assistance under this Part.

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- 5) A Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Scholar's cost of attendance exceeds the amount of the scholarship.

- g) Scholarship funds are applicable towards two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify that the Scholar continues to be Enrolled. The Institution may then credit scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the Scholar. If the Scholar withdraws from enrollment, the Institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.

- h) A Scholar will be entitled to defer payments due, as outlined in subsection (e)(2)(B) above, during any period in which the recipient meets the conditions outlined in Section 528 of the Higher Education Act Amendments of 1992 (P.L. 102-325).

- i) A Scholar shall be excused from repayment for any scholarship assistance received under this Part, if the recipient becomes permanently totally disabled as established by the sworn affidavit of a qualified physician.

- j) Scholars may appeal administrative decisions made pursuant to this Part in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70).

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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1) The Heading of the Part: Police Officer/Fire Officer Grant Program

2) Code Citation: 23 Ill. Adm. Code 2732

3) Section numbers: Proposed Action:

2732.10 Amendment
2732.20 Amendment

4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 55 and 20(f)), as amended by P.A. 87-997, effective September 3, 1992).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: The title of this Part has been amended to include the word "survivor" so that it more accurately reflects the intended beneficiaries of this program, i.e., the surviving spouse and children of police officers and fire officers who were killed in the line of duty rather than persons who are currently employed as police officers and fire officers. Language previously contained in Section 2732.20(a) is deleted and moved to Section 2732.10(a) since it outlines the purpose of the program rather than its procedures. The title to Section 2732.20 has been amended for clarification. Section 2732.20(d) has been amended to incorporate the changes in the codification scheme of the Higher Education Student Assistance Act, as dictated by P.A. 87-997.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

POLICE OFFICER/FIRE OFFICER SURVIVOR GRANT PROGRAM

Section

2732.10

Summary and Purpose

2732.20

Police-Officer/Fire-Officer-Grant Program Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 55 and 20(f)), as amended by P.A. 87-997, effective September 3, 1992).

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2732.10 Summary and Purpose

a) If an Illinois Police Officer or Fire Officer was declared killed in the line of duty, the surviving spouse and children of the deceased may receive undergraduate grant assistance under this Part.

b) This Part establishes Rules which govern the Police Officer/Fire Officer Survivor Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2732.20 Police-Officer/Fire-Officer-Grant Program Procedures

a) ---- If an Illinois Police Officer or Fire Officer was declared killed in the line of duty, the surviving spouse and children of the deceased may receive undergraduate grant assistance under this Part.

ab) The surviving Surviving children must be at or under the age of twenty-five at the time of enrollment. The surviving children must be the natural or adopted children of the deceased. Step-children are ineligible.

be) Recipients must be Citizens or Eligible Noncitizens of the United States, and Residents of Illinois.

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cd) Grant amounts shall be calculated in accordance with Section 35(c)(1) and (2) of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1989 1991, ch. 122, par. 30-15, 7(e)(1) and (2) sec. 35(c)(1) and (2)) or as later amended. Financial need is not a criterion.

de) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled on at least a half-time basis and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.) Benefits are limited to the equivalent of ten semesters or fifteen quarters of payment.

ef) Applicants shall file a biographical application, identifying the deceased Police Officer/Fire Officer and will be required to submit a death certificate. Once eligibility has been established on behalf of all eligible dependents in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: State Scholar Program

2) Code Citation: 23 Ill Adm. Code 2760

3) Section numbers: Proposed Action:

2760.5 Amendment

2760.10 Amendment

2760.30 Amendment

2760.40 Amendment

4) Statutory Authority: Implementing Section 25 and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 25 and 20, as amended by P.A. 87-997, effective September 3, 1992).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2760.10(a) and (b) have been revised to reflect the change in the Higher Education Student Assistant Act which removed the "good moral character" requirement from among the eligibility criteria for this program. (See P.A. 87-997.) The amendments to the other sections of this Part are merely for clarification.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section

2760.5 Summary and Purpose

2760.10 Selection Criteria

2760.30 Testing and Class Ranking of Students to be Considered for Program

2760.40 Other Information

AUTHORITY: Implementing Section 25 and authorized by Section 20 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 122, secs. 25 and 20, as amended by P.A. 87-997, effective September 3, 1992).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2760.5 Summary and Purpose

a) The State Scholar Program publicly and personally identifies graduating high school seniors who possess superior academic potential. Each student named designated as a State Scholar receives a Certificate of Achievement and statewide recognition in the news media. The Illinois Student Assistance Commission (ISAC) provides the names of State Scholars to Illinois colleges and universities which actively seek State Scholars for admission. No financial assistance is awarded by ISAC through this program.

b) This Part establishes Rules which govern the State Scholar Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended 17 Ill. Reg. _____, effective _____, 1993)

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Section 2760.10 Selection Criteria

a) The State Scholar Program designates high school seniors as State Scholars if Applicants candidates: demonstrate superior academic potential as measured by test scores and high school records; are Citizens of the United States or Eligible Non-citizens Noncitizen; are Residents of the State of Illinois; and possess Good Moral Character. To be eligible for State Scholar designation, Applicants must and rank in the upper half of their class.

b) For the purposes of this Part, "Good Moral Character" is defined as a student's personal record of conduct, determined by the high school to be in keeping with school and community standards. High schools which withhold their certification of students for reasons of "moral character" shall have the responsibility of explaining their positions in writing, to parties which have a proper and valid interest in this information.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT), during his/her fifth or sixth semester. Students planning to be graduated graduate in other than the traditional four years must take such examination in an equivalent Term; e.g., the three-year graduate must take the examination in the third or fourth semester.

1) A student may take either or both examinations during the designated period.

2) All scores from such tests taken during the designated period must be submitted to ISAC.

3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.

4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.

5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.

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- b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (a) and (b).
- d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.

- 1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example: Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent Term rank shall be provided for students planning to be--~~graduated~~ graduate in other than the traditional four years; for example, class ranks for three-year graduates shall be as-of determined at the conclusion of the fourth semester.

- e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:

- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) The Scholastic Aptitude Test Scores shall become the Illinois Standard Test Score after first multiplying the SAT verbal score by 2, adding that result to the SAT math score, then using the table below for SAT 2V + M.

Illinois Standard Test Score Table

Illinois Standard Score	SAT 2V+ M	ACT Composite
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36	-----	36
35	2280 to 2400	35
34	2200 to 2270	34
33	2090 to 2190	33
32	2000 to 2080	32
31	1920 to 1990	31
30	1830 to 1910	30
29	1750 to 1820	29
28	1680 to 1740	28
27	1610 to 1670	27
26	1550 to 1600	26
25	1480 to 1540	25
24	1430 to 1470	24
23	1380 to 1420	23
22	1340 to 1370	22
21	1300 to 1330	21
20	1250 to 1290	20
19	1210 to 1240	19
18	1170 to 1200	18
17	1140 to 1160	17
16	1100 to 1130	16
15	1060 to 1090	15
14	1010 to 1050	14
13	960 to 1000	13
12	910 to 950	12
11	870 to 900	11
10	820 to 860	10
9	810 and below	9

- f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:
 Percentile = [Size of Class MINUS (Rank in Class minus .5)] divided by Size of Class

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.53 - 99.74	29
99.19 - 99.52	28
98.62 - 99.18	27
97.79 - 98.61	26
96.41 - 97.78	25

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94.53 - 96.40	24
91.93 - 94.52	23
85.50 - 91.92	22
84.14 - 85.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.56 - 72.57	18
57.93 - 65.55	17
50.00 - 57.92	16

- g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.
- h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.
- i) Notwithstanding the previous provisions in this Part Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2760.40 Other Information

- a) High School officials or student Applicants candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)
- b) A Certificate of Achievement and congratulatory letter shall be sent to each State Scholar.
- c) A listing of State Scholars shall be available to colleges, high schools, members of the General Assembly, and to the media.
- d) If an appeal concerning an Applicant's eligibility is received, ISAC shall request the high school to verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.
- e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment

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must be received by ISAC at the time the mailing labels are ordered. Such requesters Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Student to Student (STS) Program of Matching Grants

- 2) Code Citation: 23 Ill. Adm. Code 2770

- 3) Section numbers: Proposed Action:

2770.10 Amendment
2770.20 Amendment
2770.30 Amendment

- 4) Statutory Authority: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act (Ill. Rev. Stat. 1991, ch. 122, secs. 65 and 20(f), as amended by P.A. 87-997, effective January 3, 1992).

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2770.10(a) has been amended to clarify the purpose of this program. Section 2770.20 has been changed to reflect the different codification scheme contained in P.A. 87-997, which affected the Higher Education Student Assistance Act. Section 2770.30(c) includes a technical amendment that was made during last year's revision of this Part and was inadvertently omitted from the adopted amendments to these rules.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section

2770.10 Summary and Purpose (renumbered)

2770.20 Definitions

2770.30 Program Procedures and Requirements (renumbered)

AUTHORITY: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act (Ill. Rev. Stat., 1991, ch. 122, secs. 65 and 20(f)), as amended by P.A. 87-997, effective January 3, 1992).

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2770.10 Summary and Purpose (renumbered)

- a) Student to Student is a program of monetary awards matching grants are available to undergraduates for scholarship programs established by student organizations at state-supported colleges and universities through voluntary contributions from students and matching grants from the state.

- b) This Part establishes Rules that govern the Student to Student (STS) Program of Matching Grants. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined Terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2770.20 Definitions

"College or University" - means any of the State-supported institutions of higher learning administered by the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Regents of Regency Universities, the Board of Governors of State Colleges and Universities or the boards of trustees of public community college districts as established and defined by the Public Community College

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Act. (Section 1 of the Student-to-Student Grant Act (Ill. Rev. Stat., 1990 Supp., ch. 144, par. 271-)) (Section 65(a) of the Higher Education Student Assistance Act (Ill. Rev. Stat., 1991, ch. 122, sec. 65(a)), as amended by P.A. 87-997, effective September 3, 1992.)

"Scholarship Program" means a program established for undergraduate scholarships at a college or university in this State and for which the student receives funds from voluntary contributions from students. (Section 1 of the Student-to-Student Grant Act.)

"Voluntary Contribution" includes fees collected from students by college or university officials when such fee is optional or refundable to students and has been approved by a majority of those voting in a campus-wide referendum of students. (Section 1 65(a) of the Higher Education Student Assistance Student-to-Student Grant Act.)

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

Section 2770.30 Program Procedures and Requirements (renumbered)

- a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois College or public University. The funds for such those programs must be derived from Voluntary Contributions raised by students from students of that College or University according to a plan developed and approved by the students and consistent with College or University policies.

- b) Voluntary Contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by the Commission.

- c) Students shall approve the plan for raising Voluntary Contributions by a majority of those voting in a campus wide referendum.

- d) The contributions, to be eligible for matching funds, must be voluntary (as contrasted to a non-refundable fee or charge). Only those Voluntary Contributions made by enrolled students of the College or University are eligible for matching. If any fund raising activity yields contributions from other individuals or organizations, the Voluntary Contributions by enrolled students must be clearly identifiable.

- e) Particular care must be employed in implementing contribution plans that generate contributions from non-students. The law leaves no

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latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.

- f) No eligible contribution can exceed \$9.00 per academic year.
- g) The \$1,000 annual limit on a STS award shall be applicable to all terms including the summer term.
- h) Only students who demonstrate need by some nationally recognized needs analysis system can be considered for STS matching grants.
- i) STS funds can be used for undergraduates who are otherwise eligible for an ISAC monetary award but have completed their ten (10) semesters or fifteen (15) quarters of eligibility.
- j) Each institution desiring to participate in this program shall inform ISAC, annually in writing, by the deadline specified by the Commission. The method of seeking student approval of a fund raising plan shall be included in such letter.
- k) A claim for matching funds can be submitted to ISAC by dates specified by the Commission. The initial claim shall include:

- 1) the amount of the claim;
- 2) how general student approval was obtained;
- 3) how funds were collected;
- 4) the steps employed to insure that student contributions were voluntary; and
- 5) documentation that the claim includes only Voluntary Contributions by enrolled students.

- 1) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.

- m) A pro-rata distribution, if any, will be determined in accordance with general Commission action.

- n) After ISAC has reviewed a claim and computed the proration, ISAC shall process the necessary voucher for a check payable to the College or University for the awards.

- o) Each participating College or University shall submit to ISAC an annual report, by not later than September 15, following the award year, of the activities, operations, and results of its STS grant

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program. ISAC shall forward a copy of such report to the Illinois Board of Higher Education.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Small Business Impact Analysis Procedures2) Code Citation: 1 Ill. Adm. Code 3003) Section Numbers: Adopted Action:

300.100 Amendment

300.200 Amendment

300.300 Repeal

300.400 Amendment

300. Appendix A Repeal

4) Statutory Authority: Implementing Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-75 and 1005-30) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.42).

5) Effective Date of Amendments: January 26, 19936) Does this rulemaking contain an automatic repeal date? No.7) Do these amendments contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: January 28, 1993.9) Notice of Proposal Published in Illinois Register: July 17, 1992 - 16 Ill. Reg. 11391.10) Has JCAR issued a Statement of Objections to these amendments? No.11) Differences between proposal and final version: Only technical changes recommended by JCAR and the Administrative Code Division have been made to this rulemaking.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements between the Department of Commerce and Community Affairs and JCAR were necessary to resolve JCAR questions concerning this rulemaking.13) Will these amendments replace an emergency amendment currently in effect? No.14) Are there any amendments pending on this Part? No.15) Summary and Purpose of Amendments: An amendment to the Illinois Administrative Procedure Act (P.A. 87-823, effective July 1, 1992) has made it necessary for the Department of Commerce and Community Affairs (department) to amend its rules for the analysis of administrative rulemakings' effect on small businesses. Agencies are no longer

required to notify the department when their proposed rulemaking affects small businesses. In accordance with P.A. 87-823, the Secretary of State will instead be forwarding a copy of all proposed rulemakings to the department's Business Development Bureau (formerly the Small Business Assistance Bureau). Therefore, Section 300.300, which specifies procedures for agencies to notify the department, and Section 300. Appendix A, which provides the Business Impact Analysis form used for notification, are no longer necessary and are being repealed.

The definitions section (Section 300.200) is being amended. The definition of "business" has been deleted and the definition of "small business" has been revised. P.A. 87-823 provides a separate definition for "not for profit corporation" and the changes in the definition of "small business" serve to exclude not for profits from the small business impact analysis process. A definition of "interested person" has been added as a result of P.A. 87-823, which now allows interested persons, in addition to the Joint Committee on Administrative Rules, to request an impact analysis on rulemaking.

Sections 300.100 (Purpose) and 300.400 (Analysis Procedures) have also been revised to reflect changes brought about by the Public Act.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norman Sims, Deputy Director
Department of Commerce and Community Affairs
Office of Policy Development, Planning & Research
620 East Adams Street, 3rd floor
Springfield, Illinois 62701
(217) 524-4845

The full text of the Adopted Amendments begins on the next page:

Section	Purpose
300.100	Definitions
300.200	Procedures (Repealed)
300.300	Review Analysis Procedures
300.400	Business Impact Analysis (Repealed)

AUTHORITY: Implementing Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-75 and 1005-30) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.42).

SOURCE: Adopted at 13 Ill. Reg. 8407, effective May 18, 1989; amended at 17 Ill. Reg. 1511, effective January 26, 1993.

Section 300.100 Purpose

Pursuant to Section 4-03(c) 5-30 of the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. 1991, ch. 127, par. 1004-03(c) 1005-30), the Small Business Assistance Bureau (Bureau) of the Department of Commerce and Community Affairs (Department) has the responsibility of preparing an impact analysis on any proposed rulemaking that will have an impact on small businesses. This Part serves to establish guidelines which govern the agencies' compliance with and the Department's implementation of this provision of the Act.

(Source: Amended at 17 Ill. Reg. 1511, effective January 26, 1993)

Section 300.200 Definitions

"Business" means a legal entity in Illinois including, but not limited to, any sole proprietorship, partnership, corporation, joint venture, association or cooperative.

"Impact" is the effect on small businesses resulting from rules and regulations rulemaking implemented by a state agency. This includes, but is not limited to, rules rulemaking pertaining to licensing/registration/permitting and grant/loan application processes.

"Interested person" is an association representing at least 100 interested persons, the Governor, a unit of local government, or a

Total of 25 or more requests from individuals.

"Issuing agency" is that agency proposing rules and regulations rulemaking.

"Recordkeeping" is that information which must be recorded and maintained by the business in order to comply with rules and regulations.

"Reporting requirement" is any information that a business must submit to an issuing agency or any other agency as required in the rules.

"Small business" is any for-profit entity, as defined under "Business", independently owned and operated, not dominant in its field, which grosses less than four million dollars per year or employs fewer than fifty full-time employees. Two part-time employees equal one full-time employee. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations. A business is considered dominant in its field if it is the only business in Illinois engaged in that particular activity.

(Source: Amended at 17 Ill. Reg. 1511, effective January 26, 1993)

Section 300.300 Procedures (Repealed)

- a) in accordance with Section 4-03(c) of the Act, when a state agency proposes a new rule or an amendment to an existing rule, which has an impact on businesses, the agency shall notify the Small Business Assistance Bureau of the Department of Commerce and Community Affairs. This notification shall be made prior to or at the same time the proposed rule is submitted to the Administrative Code Division of the Secretary of State for publication in the Illinois Register. The notification shall include a complete copy of the proposed rulemaking as it is to be published in the Illinois Register and a Business Impact Analysis (Appendix A) which includes, to the best of an agency's knowledge:
 - 1) a description of the types of small businesses subject to the rule;
 - 2) an estimate of the number of total businesses impacted by the proposed rulemaking and an estimate of the economic impact per business in dollars;
 - 3) a synopsis of any increase or decrease in record-keeping requirements, compliance criteria requirements or operational activity to be imposed on businesses as a result of the proposed rulemaking including a copy of any form(s) referenced in the proposed rules; and

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- 4) a description of the type(s) of professional personnel or skills necessary for implementation or compliance;
- b) the information required by subsection (a) shall be submitted in the form shown in Appendix A of this part;
- c) in the event the notification of proposed rulemaking fails to include the information required by this Section, the Small Business Assistance Bureau will so notify the issuing agency and request the information be submitted.

(Source: Repealed at 17 Ill. Reg. 1511, effective January 26, 1993)

Section 300.400 Review Analysis Procedures

- a) Upon receipt of the information required by Section 300.300, the Small Business Assistance Bureau shall determine the impact on small business of the proposed rulemaking and prepare an impact analysis describing the effect on small businesses. The Secretary of State shall provide the Bureau with a copy of all proposed rulemakings. Whenever the Bureau believes that an analysis is warranted or whenever requested to do so by the Joint Committee on Administrative Rules (JCAR) or an interested person, the Bureau shall prepare an impact analysis.
- b) The impact analysis may include information obtained from, but not limited to, the following:
- 1) data information services;
 - 2) business associations;
 - 3) business community;
 - 4) meetings or hearings held by others regarding proposed rulemaking;
 - 5) technical specialists in the appropriate field; and
 - 6) issuing agency.
- c) The impact analysis shall be completed within forty-five days of the date of publication of the rule in the Illinois Register or within the first notice period. The analysis shall include the following:
- 1) A summary of the projected reporting, recordkeeping and other compliance requirements of the proposed rule.
 - 2) A description of the types and an estimate of the number of small businesses to which the proposed rule will apply.
 - 3) An estimate of the economic impact which the regulation will have on the various types of small businesses affected by the rulemaking.
 - 4) A description of or a listing of alternatives to the proposed rule which that would minimize the economic impact of the rule. The such alternative alternatives must be consistent with the stated objectives of the applicable statutes and regulations (Section 4-03 5-30(c)(1)-(4) of the Act).
- d) Pursuant to Section 4-03(c) 5-30(c) of the Act, the Small Business Assistance Bureau shall submit a copy of the impact analysis in

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writing to the issuing agency, and any interested person who requested an analysis, and the joint Committee on Administrative Rules JCAR during the first notice period.

- e) the Department retains the right, under its general policy of advocating for small businesses, to review any proposed rulemaking published in the Illinois Register which it determines may impact small businesses, regardless of notification by an issuing agency or request by the joint Committee on Administrative Rules, in such cases, the Department will notify the issuing agency that an impact analysis will be prepared with no action required on the part of the issuing agency.

(Source: Amended at 17 Ill. Reg. 1511, effective January 26, 1993)

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Section 300. APPENDIX A Business Impact Analysis (Repealed)

Agency:----- Contact Person:-----

Heading of the Part:-----

Administrative Code Citation:-----

1:--What--do--you--perceive--to--be--the--overall--economic--impact--on--business--that--
-----will--be--regulated--by--the--proposed--rulemaking?

Please check:--Positive----- Negative----- No impact-----

2:--it--known--specify--that--

A: total number of businesses impacted:-----

B: approximate economic impact per business in dollars \$:-----

C: types of small businesses impacted by the proposed rule:-----

D: description of the type(s) of professional personnel or skills
necessary for implementation or compliance:-----

3:--Will--the--proposed--rules--result--in--a--change--in--existing--license--fees?
-----reporting--requirements? recordkeeping requirements, etc.?--Please explain
-----any increase, decrease, or change:--

4:--if--there--are--new--reporting--requirements, how often must they be
-----completed (daily, weekly, monthly, etc.):-----

5:--Where--any--alternatives--considered--to--minimize--the--burden--on--small
-----businesses?

Yes-----No-----

-----if--yes--please--describe--the--alternatives--considered--and--if--they--were
-----rejected--explain--why.

if your agency maintains a list of regulated entities impacted by these
proposed rules, or if you can provide any additional information, including a
copy of any form(s) referenced in the proposed rule, please attach and submit
with this form to:--

BEGA

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Small Business Assistance Bureau
Manager, Office of Regulatory Flexibility and Legislative Research
100 W. Randolph St., Suite 3-400
Chicago, Illinois 60601

(Source: Repealed at 17 Ill. Reg. 1511, effective
January 26, 1993)

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: ADVOCACY SERVICES
- 2) Code Citation: 20 Ill. Adm. Code 440
- 3) Section Numbers: Adopted Action:
440.10 Repeal
440.20 Repeal
- 4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (730 ILCS 5/3-2-2, formerly Ill. Rev. Stat. 1991, ch. 38, par. 1003-2-2).
- 5) Effective Date of Repealer: February 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? Yes
X No
- 7) Does this rule repealer contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 25, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:
October 23, 1992 16 Ill. Reg. 16371
(issue date)
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required.
- 13) Will this repealer replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Repealer: This rule is being repealed due to the abolishment of the Office of Advocacy Services. Committed persons are still afforded a means of making inquiries, requests, and complaints through their assigned facility or supervisory agent. Problems not resolved informally may be grieved at the facility and appealed to the Director in accordance with 20 Ill. Adm. Code 504.F or G.

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- 16) Information and questions regarding this adopted repealer shall be directed to:

Name: David C. Watkins, Deputy Director
Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Address:
Telephone: 217/522-2666

ILLINOIS HISTORIC PRESERVATION AGENCY

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Rules for Review of State Agency Undertakings
- 2) Code Citation: 17 Ill. Code 4180
- 3) Section Numbers Adopted Action:
4180.120 Amendment
- 4) Statutory Authority: Implementing and Authorized by Ill. Rev. Stat. 1991, ch. 127, pars. 133c24 and 133c25.
- 5) Effective Date of Amendment: January 25, 1993
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference: Yes. If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking? Certificate not required pursuant to 6.02(a) of the Act.
- 8) Date Filed in Agency's Principal Office: January 20, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:
09/11/92, 16 Ill. Reg. 13718
(issue date)
- 10) Has JCAR issued a Statement of Objections to this amendment?
No
- 11) Differences between proposal and final version:
 1. Non-substantive changes, including grammar and typographical errors corrected throughout and minor wording changes for clarity.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

- 15) Summary and purpose of amendment: This amendment incorporates by reference maps produced by the Illinois State Museum that show high probability areas for each county as required by the Act.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Thomas E. Emerson
Address: Historic Preservation Agency
Old State Capitol Building
Springfield, Illinois 62701
Telephone: 217-785-4997

The full text of the adopted amendment begins on the following page.

ILLINOIS HISTORIC PRESERVATION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER VI: ILLINOIS HISTORIC PRESERVATION AGENCYPART 4180
RULES FOR REVIEW OF STATE AGENCY UNDERTAKINGS

SUBPART A: GENERAL

Section
4180.100
4180.110
4180.120
4180.130

Purpose of Rules
Definitions
Incorporations by Reference
Applicability

SUBPART B: REVIEW PROCEDURES

Section
4180.200
4180.250
4180.300
4180.350
4180.400
4180.450
4180.500
4180.550
4180.600
4180.650
4180.700
4180.750

Notice of Undertaking
Identification of Historic Resources
Determination of Effect
Consultation Process for Adverse Effects
Failure to Agree
Public Meeting
Mediation Committee Appointment and Procedures
Emergency Undertakings
Categorical No Effects
Programmatic Agreements
Foreclosure
Resources Discovered During Undertaking Implementation

AUTHORITY: Implementing Section 4 and authorized by Section 5 of the Illinois State Agency Historic Resources Preservation Act (Ill. Rev. Stat. 1991, ch. 127, pars. 133c24 and 133c25).

SOURCE: Adopted at 15 Ill. Reg. 18151, effective December 9, 1991; amended at 17 Ill. Reg. 1521, effective January 25, 1993.

Section 4180.120 Incorporations by Reference

- a) The definition and interpretation of criteria for the National Register of Historic Places as found in Section 101 of the National Historic Preservation Act of 1966 (16 U.S.C. 470) and its implementing regulations (36 CFR 60).
- b) The interpretation for the criteria of adverse effect and the definition of "no adverse effect" as found in Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800).
- c) Minimum professional standards of education and experience for

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qualified professionals for purposes of conducting activities in compliance with this Act as found in the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations (36 CFR 61, Appendix A).

d) Minimum professional standards for archaeological surveys and evaluation are provided in "Guidelines For Archeological Consultants and Reconnaissance Surveys and Reports", Illinois Historic Preservation Agency, revised June 1991. This document is available from the IHPA, Preservation Services Division, Old State Capitol, Springfield, Illinois 62701.

e) Minimum standards for documentation to be provided in compliance with the Act can be found in "Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines"; Federal Register, Vol. 48, N. 190, pp. 44716-44742.

f) The depiction of "high probability areas" on county maps as produced according to the criteria in Ill. Rev. Stat. 1991, ch. 127, par. 133c22 (J) by the Illinois State Museum from data maintained in the Illinois Geographical Information System as of July 1, 1992. The maps are maintained and available for inspection by the public at the offices of the Illinois Historic Preservation Agency, Archaeology Section, 500 East Madison Street, Springfield, 62701 and at the Illinois State Museum Collection Center, Department of Anthropology, 1920 10 1/2 Street, Springfield, 62703. Copies may be obtained from the Illinois State Museum Collection Center, Department of Anthropology.

(Source: Amended at 17 Ill. Reg. 1521, effective January 25, 1993)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Group Coverage Discontinuance and Re-placement
- 2) Code Citation: 50 Ill. Adm. Code 2013
- 3) Section Number: Adopted Action:
 2013.10 Amended
 2013.20 Amended
 2013.30 Amended
 2013.40 Amended
 2013.50 Amended
 2013.60 Amended
 2013.70 Amended
- 4) Statutory Authority: Implementing and authorized by Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 979i).
- 5) Effective Date of Amendment: January 20, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?
 No
- 8) Date filed in Agency's Principal Office: January 11, 1993
- 9) Notice of Proposal Published in Illinois Register:
 July 6, 1992, 16 Ill. Reg. 10375
- 10) Has JCARE issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
 a) Index Section heading 2013.40 - The word "of" has been changed to "or" following the word "premium".
 b) SOURCE - The original effective date of the rule has been corrected, and the Register volume number has been changed to 17.
 c) Section 2013.30 - Succeeding Carrier - On the second line, the word "of" has been changed to "after" following the reference to "90 days".

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- d) Section 2013.30 - Totally disabled - This definition has been restructured. Under what is now labeled subsection (a), the words "long term" have been added to the first line ahead of the word "disability", and the word "income" has been deleted from that line. Also under what is now labeled subsection (b), the words "short term disability" have replaced "all other".
- e) Section 2013.50(a) - This subsection, in particular the last two sentences, has been corrected to reflect stricken language which was last on file with the Code Unit. Also on line four, the word "of" has been replaced by "after" following the reference to "10 working days".
- f) Section 2013.50(b) - This new subsection has deleted some proposed text to further clarify the Department's application of the rules standards.
- g) Section 2013.60(a) - On line seven, the hyphen between the subsection reference "(b)-(d)" will be removed and replaced with the word "through".
- h) Section 2013.60(b) - On the first line, the words "group plan" have been deleted and "disability income contract" has been added in lieu thereof.
- i) Section 2013.60(d) - On the second line, a comma has been added following the word "plans".
- j) Section 2013.60(e) - On line four, "of benefits" has been added following the word "extension". Also in the last sentence the number "2013.60" has been deleted.
- k) Section 2013.70 - In the introductory paragraph, the words "a plan of" following "replaces" have been deleted.
- l) Section 2013.70(a)(2) - On the second line, a comma has been deleted following the word "carrier".
- m) Section 2013.70(b)(1) - A phrase has been added to the end of the last sentence of this subparagraph.
- n) Section 2013.70(b)(4) - The semicolon at the end of this subsection has been changed to a colon.

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: P.A. 87-0270 amended the HMO Act to make Health Maintenance Organizations subject to Section 367i of the Code. This Part is being amended to include HMOs.
- 16) Information and questions regarding this adopted amendments shall be directed to:

Nancy Simpson
Department of Insurance
320 West Washington
Springfield, Illinois 62767

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE
HEALTH MAINTENANCE ORGANIZATION

PART 2013

GROUP COVERAGE DISCONTINUANCE AND REPLACEMENT

Section

2013.10 Authority

2013.20 Scope

2013.30 ~~Definition~~ Definitions

2013.40 Effective Date of Discontinuance for Non-Payment of Premium ~~of~~ or
Subscription Charges

2013.50 Requirements for Notice of Discontinuance

2013.60 Extension of Benefits

2013.70 Continuance of Coverage in Situations Involving Replacement of a One
Group ~~Policy-of-One-Carrier~~ Contract by Another

AUTHORITY: Implementing and authorized by Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 979i).

SOURCE: Adopted at 14 Ill. Reg. 17217, effective October 4, 1990; amended at 17 Ill. Reg. 1525, effective January 20, 1993.

Section 2013.10 Authority

This Part is adopted and promulgated by the Director of Insurance pursuant to Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1989 1991, ch. 73, par. 979i).

(Source: Amended at 17 Ill. Reg. 1525, effective
January 20, 1993)

Section 2013.20 Scope

This Part is applicable to all group insurance ~~polities~~ contracts and group Health Maintenance Organization (HMO) contracts, issued for delivery in this State, renewed, or amended or under which the level of benefits or premium is altered or modified, ~~on-a-group-or-group-type-basis~~ covering persons as employees of employers or as members of unions or associations ~~having-a-situs in-this-State~~.

(Source: Amended at 17 Ill. Reg. 1525, effective
January 20, 1993)

Section 2013.30 ~~Definition~~ Definitions

The term "group-type-basis" means a benefit--plan--other--than--salary--budget

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Section 2013.40 Effective Date of Discontinuance for Non-Payment of Premium or of Subscription Charges

- a) If a policy group contract subject to this Part provides for automatic discontinuance of the policy or contract after a premium or subscription charge has remained unpaid through the grace period allowed for such payment, the carrier shall be liable for valid claims for covered losses incurred prior to the end of the grace period. The carrier shall, however, be entitled to the premium due for coverage provided during the grace period.
- b) If the actions of the carrier after the end of the grace period indicate that it considers the policy group contract as continuing in force beyond the end of the grace period such as by continuing to recognize claims subsequently incurred, the carrier shall be liable for valid claims for losses beginning prior to the effective date of written notice of discontinuance to the policyholders contract holders or other entity responsible for making payments or submitting subscription charges to the carrier. The effective date of discontinuance shall not be prior to midnight at the end of the third scheduled work day after the date upon which the notice is delivered.

(Source: Amended at 17 Ill. Reg. 1525, effective January 20, 1993)

Section 2013.50 Requirements for Notice of Discontinuance

- a) Any notice of discontinuance so given by the carrier shall include a request to advise the group policyholder or other entity involved contract holder to notify employees enrolled individuals covered under the policy contract within 10 working days after receipt of such notice of the date as of which the group policy contract will discontinue and to advise that, unless otherwise provided in the policy contract, the carrier shall not be liable for claims for losses incurred after such the date of discontinuance. Such notice of discontinuance shall also advise in any instance in which the plan involves employee contributions that if the policyholder or other entity continues to collect contributions for the coverage period after the date of discontinuance the policyholder or other entity may be held solely liable for the benefits with respect to the period for which the contributions have been collected.
- b) In the instance in which the plan involves employee contributions, if the contract holder continues to collect contributions for the coverage after the date of discontinuance, the group contract holder may be held solely liable for the benefits with respect to the period for which the contributions have been collected.
- bc) Simultaneously with the notice of discontinuance, the carrier shall prepare and furnish to the policyholder or other entity group contract holder at the same time a sample of a notice form to be distributed to the employees or members concerned enrolled individuals

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Plans utilizing individual insurance policies or subscriber contracts which meets the following conditions:

- a) Coverage is provided through insurance policies to classes of employees or members defined in terms of conditions pertaining to employment or membership; and
- b) The coverage is not available to the general public and can be obtained and maintained only because of the covered person's membership in or connection with the particular organization or group; and
- c) There are arrangements for bulk payment of premiums or subscription charges to the insurer or non-profit service corporation; and
- d) There is sponsorship of the plan by the employer, union, or association.

Accrued Liability means liabilities established on the date an injury is sustained or an illness commences.

Group Contract means a contract for health insurance or an HMO contract made with an employer or other entity that covers a group of persons identified as individuals because of their relationship to the covered entity.

Prior Carrier means the carrier of group health care coverage provided by the employer or other entity immediately prior to the effective date of discontinuance and which has or has not been replaced by a succeeding carrier's coverage.

Succeeding Carrier means the carrier of group health coverage provided by an employer or other entity which is issued within 90 days after the discontinuance of the prior plan.

Totally Disabled means:

for Long Term Disability Policies, the inability of the covered employee to perform his or her regular or customary occupational duties because of injury or disease; and after benefits have been paid for 24 months, the covered person cannot perform the duties of any gainful occupation for which he or she is reasonably fitted by training, education or experience; or

for Short Term Disability Policies:

the inability of the covered employee to perform his or her regular or customary occupational duties because of injury or disease; or

the inability of a dependent or retired employee to engage in substantially all of the normal activities of a person in good health of like age and sex because of injury or disease.

(Source: Amended at 17 Ill. Reg. 1525, effective January 20, 1993)

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indicating such discontinuance, and the effective date thereof, and urging advising the employees or members enrolled individuals to refer to their certificates in order to determine what rights, if any, are available to them upon such discontinuance.

(Source: Amended at 17 Ill. Reg. 1525, effective January 20, 1993)

Section 2013.60 Extension of Benefits

- a) Every group policy contract subject to this Part hereafter issued, or under which the level of benefits is hereafter altered, modified, or amended, must provide include a reasonable provision for a reasonable extension of benefits in the event of total disability at on the date of discontinuance of the group policy contract as required by subsections 2013.60(b) through (d) hereunder.
- b) In the case of a group-plan disability income contract providing benefits for loss of time from work, or specific indemnity during hospital confinement on an accrued liability basis, discontinuance of the policy group contract during a disability shall have no effect on benefits payable for that disability or confinement.
- c) In the case all other cases of hospital or medical expense coverages and HMO plans, other than dental, pharmaceutical or other limited expense coverages, a reasonable extension of benefits or accrued liability provision is required. Such a provision extension will be considered "reasonable" if it provides for an extension of at least until the earliest of the following:

- 1) the end of twelve months; or
- 2) the date the maximum benefit is reached; or
- 3) the end of total disability.

- d) Under major medical and comprehensive medical type coverages, and under other types of hospital or medical expenses coverages plans, such as benefits-restrictions-society those limited to hospital expenses only, medical expenses only, or surgical expenses only, or any combination thereof, provides either an a reasonable extension of benefits of at least ninety days or an accrued liability for expenses incurred during a period of disability or during a period of at least ninety days starting with a specific event which occurred while coverage was in force (e.g., an accident). For purposes of this subsection, major medical and comprehensive medical shall include, but not be limited to, hospital, medical, and surgical coverages is required.

Such extension will be considered "reasonable" if it provides for an extension until the earliest of the following:

- 1) ninety days; or
- 2) the date the maximum benefit is reached; or
- 3) the end of total disability.

- de) Any applicable extension of benefits or accrued liability shall be described in any policy the group contract involved as well as in

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group insurance certificates. The benefits payable during any period of extension of benefits or accrued liability may be subject to the group contract's policy's regular benefit limits (e.g., benefits ceasing at exhaustion of a benefit period or of maximum benefits or benefit restrictions for services provided by unaffiliated providers of an HMO) but in no event shall the extensions described in subsection Section 2013.60(c) above be reduced solely because of the discontinuance of the policy group contract.

- f) An extension of benefits need not be provided when an individual's coverage terminates under the group contract in accordance with the contract's eligibility and termination provisions.

(Source: Amended at 17 Ill. Reg. 1525, effective January 20, 1993)

Section 2013.70 Continuation of Coverage in Situations Involving Replacement of a One Group Policy Contract of One Carrier by Another

This Section sets standards for determining liability when one group contract replaces another group contract.

- a) Liability of prior carrier.

- 1) The prior carrier remains liable only to the extent of its accrued liabilities and extensions of benefits. The position of the prior carrier shall be the same whether the group policyholder contract holder or other entity secures replacement coverage from a new carrier, the same carrier, self-insures, or foregoes the provision of coverage.

- 2) Employees and dependents who are totally disabled on the date of discontinuance of the group policy of the prior carrier shall be provided an extension of benefits for a disabling illness, injury or condition as described in subsection 2013.60(c).

- 3) The prior carrier, if an HMO, may limit the extension of benefits for a totally disabling illness, injury or condition to services provided by or through their participating providers.

- 4) No prior carrier may terminate the required extension of benefits because the totally disabled person becomes covered under the succeeding carriers contract.

- 5) The prior carrier must provide the extension of benefits without cost to the totally disabled person except for copayments, coinsurance and deductibles in effect at the time of discontinuance and following the discontinuance of coverage.

- b) Liability of Succeeding Carrier.

- 1) Each person who is eligible for coverage in accordance with the succeeding carrier's plan of benefits, in respect to classes eligible and activity actively at work and non-confinement rules, shall be covered by the succeeding carrier's plan of benefits. For purposes of this subsection the succeeding carrier shall not individually underwrite when determining eligibility except for purposes of accepting or rejecting the group as a whole.

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- 2) Each person not covered under the succeeding carrier's plan of benefits in accordance with subsection (b)(1) above must nevertheless be covered by the succeeding carrier in accordance with the following rules standards if such individual was validly covered, including benefits extension, validly covered, including benefits---extension under the prior plan on the date of discontinuance and if If such individual is a member of the class or classes of individuals eligible for coverage under the succeeding carrier's plan, but does not satisfy the actively at work or non-confinement requirements of this plan on its effective date, such individual shall be eligible for benefits as described hereunder. Any reference in the following rules standards to an individual who was or was not totally disabled is a reference to the individual's status immediately prior to the date the succeeding carrier's coverage becomes effective.
- A) The minimum level of benefits to be provided by the succeeding carrier shall be the applicable level of benefits of the prior carrier's plan reduced by any benefits payable by the prior plan.
- B) When the succeeding carrier is an HMO, the benefits must be the HMO's own level of benefits, reduced by benefits provided or payable by the prior plan.
- BC) Coverage Benefits under this subsection must be provided by the succeeding carrier until at least the earliest of the following dates:
- the date the individual becomes eligible under the succeeding carrier's plan--described--in--subparagraph group contract according to subsection (b)(1) above.
 - coverage benefits would terminate in accordance with the succeeding carrier's plan provisions applicable to individual termination of coverage (e.g., at termination of employment or ceasing to be an eligible dependent as the case may be).
 - iii) in the case of an individual who was totally disabled and in the case of a type of coverage for which Section 2013.60 requires an extension of benefits or accrued liability, the end of any period of extension or accrued liability, which is required of the prior carrier by Section 2013.60 or, if the prior carrier's policy is not subject to that Section, would have been required of that carrier had its policy been subject to Section 2013.60 at the time the prior plan was discontinued and replaced by the succeeding carrier's plan group contract.
- 3) The conversion privilege shall be available to those individuals whose benefits cease, if the individual has not become eligible under the succeeding carrier's plan described in subsection (b)(1) above.

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- 34) In the case of a pre-existing conditions limitation included in the succeeding carrier's plan, the level of benefits applicable to pre-existing conditions of persons becoming covered by the succeeding carrier carrier's plan in accordance with this Section during the period of time this limitation applies, under the new plan shall be the lesser of:
- the benefits of the new plan determined without application of the pre-existing conditions limited limitation; and or
 - the benefits of the prior plan.
- 45) The succeeding carrier, in applying any deductibles, coinsurance, copayments or waiting period in its plan, shall give credit for the satisfaction or partial satisfaction of the same or similar provisions under a prior plan providing similar benefits. In the case of deductible provisions, the credit shall apply for the same or overlapping benefit periods and shall be given for expenses actually incurred and applied against the deductible provision of the prior carrier's plan during the 90 days preceding the effective date of the succeeding carrier's plan, but only to the extent these expenses are recognized under the terms of the succeeding carrier's plan and are subject to similar deductible provisions.
- 56) In any situation where a determination of the prior carrier's benefits is required by the succeeding carrier, at the succeeding carrier's request the prior carrier shall furnish a statement of the benefits available or pertinent information, sufficient to permit verification of the benefit determination or the determination itself by the succeeding carrier. For the purposes of this Section, benefits of the prior plan will be determined in accordance with all of the definitions, conditions, and covered expenses provisions of the prior plan rather than those of the succeeding plan. The benefit determination will be made as if coverage had not been replaced by the succeeding carrier.
- c) Liability of Succeeding Carrier as an HMO
- So long as federally qualified HMOs are not permitted to require actively at work, hospital non-confinement rules, medical evidence of insurability, or pre-existing condition limitations, subsection (b)(2)(A) and (b)(4) above do not apply to federally qualified HMOs.
 - In situations where services for the totally disabled person are provided by the succeeding HMO, the succeeding HMO may bill the prior carrier for the reasonable cash value of services provided when the prior carrier has an obligation under its required extension of benefits. The prior carrier shall make direct payment to the succeeding HMO for the cost of the services provided.
- (Source: Amended at 17 Ill. Reg. 1525, effective January 20, 1993)

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1) Heading of the Part: Collection Agency Act

10) Has ICAR issued a Statement of Objections to these amendments? No

2) Code Citation: 68 Ill. Adm. Code 1210

11) Difference(s) between proposal and final version:

3) Section Numbers:

Adopted Action:

1210.10 Amendment

1210.20 Amendment

1210.25 New Section

1210.30 Repealed

1210.40 Repealed

1210.50 Repealed

1210.60 Amendment

1210.70 Amendment

1210.80 Amendment

1210.90 Repealed

1210.100 New Section

1210.105 Amendment

1210.110 Repealed

1210.120 Repealed

1210.130 Amendment

1210.140 Amendment

1210.150 Amendment

1210.160 Amendment

1210.170 Amendment

1210.180 Amendment

1210.190 Repealed

1210.200 Repealed

1210.210 Repealed

1210.220 Repealed

1210.230 Amendment

1210.235 Amendment

1210.240 Repealed

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 2002, 2008-2011, 2011a-1 - 2012 and 2038-2039b.

5) Effective Date of Amendments: January 25, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 21, 1993

9) Date Notice of Proposal Published in Illinois Register: October 23, 1992, at 16 Ill. Reg. 16374.

The full text of the Adopted Amendments begins on the next page:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

12) Will these Amendments replace an Emergency Amendment currently in effect?
No

13) Are there any Amendments pending on this Part? No

14) Summary and Purpose of Amendments: This rewrite of the rules for the Collection Agency Act updates the rules since they were last amended in 1982. Six Sections were repealed because their content has been included in the Act through amendments.

New Section 1210.25 gives details on how to apply for registration as a collection agency. Another new Section requires that when 51% of the assets, stock or equity of a collection agency are sold, a new collection agency application must be filed with the Department.

In Sections pertaining to creditor accounts and records and documents to be kept by collection agencies, provisions were added for collection agencies to use electronic data processing systems.

Sections retained were rewritten to improve readability.

15) Information and questions regarding this amended part shall be directed to:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1210
COLLECTION AGENCY ACT

Section	Definitions and Authority
1210.10	"Officer" as Used in the Act
1210.20	Application for Registration
1210.25	Harassment Defined (Repealed)
1210.30	Section 9.21 of Act Defined (Repealed)
1210.40	Posing as an Attorney (Repealed)
1210.50	Communication by Agency Under Different Name
1210.60	Use of Pseudonyms
1210.70	Doing Business at More Than One Office or Location
1210.80	Additional Offices or Changes of Location of Offices
1210.90	Notices (Repealed)
1210.100	Change of Ownership
1210.105	Termination or Change in Registration
1210.110	Address for Notice (Repealed)
1210.120	Use of Street Addresses (Repealed)
1210.130	Records and Documents to be Kept by Collection Agency Registrant
1210.140	Recording of Payments
1210.150	Multiple Creditors
1210.160	Availability of Books, Records, Forms and Stationery
1210.170	Accounting and Remitting Collected Funds
1210.180	Creditor Accounts
1210.190	Trust Accounts (Repealed)
1210.200	Notice for Hearing (Repealed)
1210.210	Procedures for Hearing (Repealed)
1210.220	Default Disposition of a Hearing (Repealed)
1210.230	Renewals
1210.235	Granting Variances Suspension or Modification of Rules and Regulations
1210.240	Construction of Rules and Regulations (Repealed)
1210.250	

AUTHORITY: Implementing Section 13 of the Collection Agency Act (Ill. Rev. Stat. 1991 1987, ch. 111, par. 2038) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991 1987, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Collection Agency Act, effective December 3, 1976; codified at 5 Ill. Reg. 11025; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; remodified transferred

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from Chapter I, 68 Ill. Adm. Code 210 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1210 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2919; amended at 17 Ill. Reg. 1535, effective January 25, 1993.

Section 1210.10 Definitions and Authority

- a) ~~Authority—These Rules and Regulations are made and issued by the Director of the Department of Professional Regulation pursuant to the Illinois Collection Agency Act (the "Act") which empowers the Director to make and enforce such reasonable procedural rules, directions, decisions and findings as may be necessary for the enforcement and execution of this Act.~~
- b) ~~Definitions—Unless the context clearly requires otherwise, the following terms have the meanings ascribed to them herein:~~

The following definitions shall apply to this Part:

"Act" means the Collection Agency Act (Ill. Rev. Stat. 1991, ch. 111, par. 2001 et seq.) enacted by the General Assembly of the State of Illinois and approved by the Governor of Illinois on September 8, 1974, effective as aforesaid, or the Act, as amended at any time or from time to time thereafter.

"Agency" means a collection agency as defined in Section 2.02 of the Act.

"Board" means the Collection Agency Licensing and Disciplinary Board.

"Creditor" means individual, sole proprietorship, partnership or corporation which engages contracts with or retains the agency to collect debts due such individual, sole proprietorship, partnership or corporation.

"Department" means the Department of Professional Regulation Registration and Education of the State of Illinois.

"Director" means Director of the Department of Professional Regulation Registration and Education of the State of Illinois.

"Hearing Officer" means either the Director or any person he appoints pursuant to the Act. Such hearing officer shall have full power to receive evidence, decide evidentiary questions and otherwise conduct the hearing.

"Managerial or Administrative Control" means having authority to conduct the affairs of the Agency and direct others in the conduct of the affairs or business of such the Agency.

"Registrant" means person or party registered under, or holding a Certificate of Registration pursuant to the Act.

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"Rules" means these rules and regulations or such rules and regulations as same may be amended or supplemented at any time or from time to time.

"Trust Account" means the special account which all licensed collection agencies shall maintain in accordance with Section 8c of the Act.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.20 "Officer" as Used in this Act

"Officer", as used in the Act, shall be construed to mean:

- a) If the agency is an association or a sole proprietorship, the owner of the agency or any person exercising managerial control shall be considered an officer. Owner of agency; if agency is a sole proprietorship; or
- b) If the agency is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control shall be considered an officer. A partner having at least 10% ownership interest in agency; if it is a partnership; or a partner exercising managerial or administrative control, or both, regardless of percentage of ownership; or
- c) If the agency is a corporation, Any corporate officer of the corporation or director or any person who has at least 10% ownership interest in such corporation; or who exercises managerial control shall be considered an officer. If agency is a corporation; or
- d) Any person exercising managerial or administrative control, or both, if agency is an association or sole proprietorship.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.25 Application for Registration

All applications for registration as a collection agency shall be submitted to the Department, on forms provided by the Department, and include:

- a) The name and address of all officers of the collection agency (as defined in Section 1210.20). The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
- b) Proof of a \$25,000 surety bond.
- c) The name of the bank, savings and loan association or other required depository in which the trust account shall be maintained; and

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d) The required fee set forth in Section 8a(1) of the Act.

(Source: Added at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.30 Harassment Defined (Repealed)

- a) For the purposes of Section 9.06 of the Act, but without limitation, proof by a preponderance of the evidence of the following acts shall constitute a prima facie case of harassment of a debtor by a registrant:
 - 1) Communication or attempting communication with a debtor by mail, telephone or any other means of communication either at his residence or at his place of employment more than once in any period of seven days; or
 - 2) Communicating or attempting to communicate with the debtor or any member of his family or with the residence of either, by telephone, in person or by other means of communication before the hour of 8:00 A.M. or after the hour of 8:00 P.M., on any day.
 - b) The foregoing acts shall not necessarily be the only acts which may be construed as harassment under Section 9.06 of the Act.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.40 Section 9.21 of Act Defined (Repealed)

Section 9.21 of the Act shall be construed to mean that once an agency has been informed in writing that a debtor is represented by an attorney such agency may not communicate with such debtor unless authorized to do so in writing by such attorney.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.50 Posing as an Attorney (Repealed)

It is a violation of the Act for any employee of an agency to pose as an attorney by communicating with a debtor orally or by use of a letterhead appearing to be that of any attorney when such employee is not an attorney licensed with the State of Illinois.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.60 Communication by Agency Under Different Name

- a) A collection agency shall use only the agency name or tradestyle exactly as it appears on the agency's certificate of registration (the certificate) issued by the Department in all communications, (e.g., ABC Collection Agency cannot use a name such as ABC Acceptance Company) except for skiptracing and envelopes as prohibited by 15 U.S.C. 1692b(5). When an agency

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~~communicates with a debtor, debtor's employer or family, such agency must state in each communication the specific reason for such communication, identify itself as a collection agency and at all times use only the registered name of such agency, e.g., ABC Collection Agency, cannot contact the debtor, his family or employer using the name ABC Acceptance Company.~~

- b) When an agency communicates with a debtor, the agency must state in a written or telephone communication the specific reason for the communication, the name of the creditor, the registered name of the agency, the date of communication in written communication; and in oral communication, the identity of the collector making the contact. A violation of this Section shall be deemed a prima facie violation of Section 9.12 of the Act.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.70 Use of Pseudonyms

- a) ~~If any person employed by an agency uses a pseudonym, such agency shall provide the Department with a list of the respective pseudonyms used and the correct identity of each individual using a pseudonym. When there has been a change in personnel or additions to either, such agency shall file a list of the changes and additions, or either, as the case may be, within 30 days after such change or addition.~~

- b) ~~Such notice shall be sent to the Department in the manner provided by Rule 10, (68 Ill. Adm. Code 1210.100) except when such information is provided or the agency's initial application for registration as a collection agency.~~

The agency shall maintain a listing of all pseudonyms used by an office, employee, or agent of the collection agency in relation to collection agency activities. A listing of pseudonyms shall be maintained by the collection agency one year after termination of employment. This shall be available upon request by the Department.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.80 Doing Business at More Than One Office or Location

~~If an applicant for registration as a collection agency intends to do business at more than one office or location within the State of Illinois, the ownership and name used at each location shall be identical, otherwise a separate application and bond shall be required for each location at which the agency conducts or such applicant intends to conduct business as a collection agency.~~

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

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Section 1210.90 Additional Offices or Changes of Location of Offices

~~If, prior to the time for renewal of its registration as a collection agency, the agency opens an additional office or offices or changes the location of one of its existing offices, notice thereof shall be sent to the Department in the manner provided by Rule 10, (68 Ill. Adm. Code 1210.100) at least 30 days prior to the opening of such new office or offices. Such notice shall set forth the address (or addresses) of such additional or changed office or offices.~~

- a) If an agency opens an additional office(s) or changes the location of an existing office(s) other than at the time of renewal, the agency shall notify the Department in writing of the new address at least 30 days prior to the opening of the office(s) or change of location(s).

- b) If, prior to the issuance of a certificate of registration, an agency changes the location of an office or adds an additional office, the agency shall immediately notify the Department, in writing, of the new address.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.100 Notices (Repealed)

~~All notices required by these rules to be sent to the Department shall be sent to the Department at 17 North State Street, Chicago, Illinois 60602. All such notices shall be sent by certified mail, return receipt requested.~~

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.105 Change of Ownership

~~When 51% of the assets, stock or equity of a collection agency are sold, a new collection agency application shall be filed with the Department in accordance with Section 1210.25.~~

(Source: Added at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.110 Termination or Change in Registration

~~The registration of any registrant shall terminate if and when such registrant dies, ceases legal existence, discontinues business or changes his or its name as shown on its Certificate of Registration. Any registrant which ceases legal existence, discontinues business or changes the name of such registrant from the name shown on its Certificate of Registration shall notify the Department promptly of such fact in the manner provided by Rule 10, (68 Ill. Adm. Code 1210.100). In the event of a change in its name,~~

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~~the registrant may apply for a new Certificate of Registration in advance of the effective date of such change by filing an application and paying the appropriate fee in the same manner as an application for new registration. The application shall be handled in the same manner as an original application for registration.~~

a) The certificate of registration shall terminate:

- 1) When the agency ceases operation;
- 2) When the agency ceases to operate under the name on the certificate of registration;
- 3) When the bond is nonrenewed or cancelled; or
- 4) When the certificate of registration is revoked.

b) The agency shall notify the Department in writing by certified mail within 10 days when the agency ceases to operate or ceases to operate under the name on the certificate. Notice of bond termination is set forth in Section 8(a) of the Act.

c) In the event of a change of the agency name, the registrant may apply for a new certificate of registration in advance of the effective date of such change by filing an application and paying the appropriate fee as set forth in Section 8(a) of the Act. The application shall be handled as an original application.

d) All notices required by this Section shall be sent to the Department at 320 West Washington, 3rd Floor, Springfield, Illinois 62786.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.120 Address for Notice (Repealed)

~~Either as part of its application or otherwise by letter, each agency shall provide the Department with an address to which all communications from the Department to such agency shall be sent.~~

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.130 Use of Street Addresses (Repealed)

a) ~~Wherever the Act, these rules or any form to be filled out by any applicant or registrant requires an address to be provided to the Department, such address shall be an actual street address and shall include the city or town, state and ZIP code.~~

b) ~~The furnishing of post office box numbers or other forms of address shall not constitute sufficient compliance with the foregoing provision.~~

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.140 Records and Documents to be Kept by Collection Agency Registrant

a) ~~The current certificate of registration shall be prominently displayed at the licensed headquarters of each registrant. The licensed headquarters address of each registrant is that address shown on its application for registration or re-registration as being such registrant's or applicant's headquarters office each location where the agency conducts business.~~

b) ~~A registrant shall keep, at each office of a registered collection agency, for each individual debtor's account, the agency shall keep the following such registrant the following:~~

1) ~~Account records for each collection account in excess of \$100.00 being processed. Such These records shall contain the following information:~~

A) ~~Name, address and phone number, if available, of debtor and all individuals contacted, at any time or from time to time, concerning such collection account, including debtor, debtor's, without limitation, employer and relatives;~~

B) ~~Dates and record of contents of all communications mailed to regarding debtor, debtor's employer or debtor's account family;~~

C) ~~Dates and record of contents of each telephone contact with all individuals regarding debtor's account, including to debtor, debtor's employer or debtor's family, plus identification of individual collector who made such contact, and individual to whom that individual the collector spoke;~~

D) ~~Name of the creditor, date account was opened with the agency and the amount of the account. The address of the creditor shall be maintained in the agency's records total debt on date received. Address of creditor shall be available in the agency records;~~

E) ~~Docket information pertaining to all Reference to book and page number from pertinent court docket of all judgments and court suits concerning account debt;~~

F) ~~The date and amount of each collection on each such account; and~~

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G) Additional charges, which are fees authorized by contract or by court of law. ~~At additional charges, such as, but not limited to, court costs and attorney's fees. Such~~ These charges shall be documented by court records or other records ~~which will be made available for inspection by to the Department by agency at the Department's request.~~

H) This subsection does not apply to the report status of the accounts.

2) Correspondence files for collection accounts which shall contain the following:

A) Copies of all correspondence ~~concerning debt~~ between the agency and creditor concerning accounts;

B) Copies of all ~~material~~ correspondence ~~concerning debt~~ between the agency and debtor, debtor's employer, debtor's family and debtor's attorney ~~respectively~~;

C) Instructions letters from debtor on disbursement of funds among multiple accounts ~~creditors~~; and

D) Copies of all correspondence concerning account ~~debt~~ between agency and agency's attorney.

c) When an account is closed by the agency ~~paid in full~~, the account record ~~and~~ shall be clearly and boldly marked that the account is closed ~~paid~~; and all ~~such~~ records, ~~including, but not limited to, the correspondence shall be kept for a period of twelve (12) months from date on which the account was closed of full payment.~~

d) A collection agency may utilize an electronic data processing system which includes the information set forth in this Section.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.150 Recording of Payments

All collections of any amount on any account processed by an agency shall be promptly entered on the debtor's account record ~~card~~.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.160 Multiple Creditors

a) When a debtor has multiple creditors, ~~the agency shall not commingle accounts.~~ The agency shall maintain a separate account record for each creditor.

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b) Checks, money orders, or drafts received by an agency from a debtor or in behalf of a debtor made payable to a specific creditor shall be applied to such the specified creditor's account record.

c) When a collector is collecting two or more accounts from one consumer, the collector shall apply payments according to the consumer's directions. ~~When a payment received by an agency from a debtor includes specific instructions as to the application of such payment, such agency shall comply with such instructions. The agency shall keep a copy of debtor's instructions and proof of payment in the correspondence file.~~

d) When the debtor overpays a specific creditor, money due ~~such~~ the debtor for an overpayment of ~~said~~ the creditor may not be offset by the agency against any other obligation owed by the debtor unless the debtor has authorized ~~such~~ the agency to do so.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.170 Availability of Books, Records, Forms and Stationery

All ~~The~~ books, records, forms, and stationery kept or used by an agency at each office of the agency shall be made available to agents of ~~investigators from~~ the Department upon request. Failure or refusal ~~to do so~~ to make these records available by the agency shall be grounds for denial, suspension, or revocation of ~~such~~ the agency's registration under Section 12(a) of the Act in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.180 Accounting and Remitting Collected Funds

a) Accounting and Remitting to Creditors

1) Unless otherwise authorized in writing by creditor, an agency shall, within 60 days after any payment is received on any ~~claim or~~ account, render an itemized statement of account to the creditor and remit ~~therewith~~ all money then due the creditor. After court costs, if any, are recovered on any claim or group of claims by a creditor against a debtor, moneys shall be applied first to the reduction of principal ~~thereof~~, unless another priority has been authorized by ~~such~~ the debtor's creditor.

2) If any ~~such~~ creditor fails to advise the agency, in writing or orally, of all payments or credits paid directly to ~~such~~ the creditor on any claim or account, within 30 days after receipt thereof, ~~such~~ the agency may make written demand for a statement of the payments or credits, ~~therefor~~ by Certified Mail with Return Receipt Requested. The agency shall not

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be obliged to make any further remittances to ~~such~~ the creditor until the creditor has rendered ~~such~~ the statement. The failure or refusal of a creditor to render a ~~such~~ statement of payments or credits shall not relieve the agency of the obligation to render an itemized statement of account.

- b) Accounting and Remitting to Debtors - Within 60 days after an overpayment of one dollar or more on any claim is received from a debtor or it is determined that a refund of one dollar or more is due to a debtor on any claim that has been paid, the agency shall ~~account for, and~~ remit to the debtor any money due ~~such~~ the debtor.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.190 Creditor Accounts

Section 1210.200 Trust Accounts (Repealed)

- a) Each licensed agency office which collects funds for creditors shall maintain a current accounting system which shall ~~at all times~~ show the monies due and owing to creditors as well as the funds in the trust bank account from which appropriate remittance may be made by ~~such~~ the agency to creditors.

- b) ~~Books of a~~ Accounts and records of each agency shall include:

- 1) A cash receipts journal, ~~which shall~~ showing each collection made, the allocation of ~~such~~ the collection, and ~~the shall be tallied~~ monthly total.
- 2) A check register or record, ~~which shall~~ showing each check written on the Trust Account, as defined in Section 20.01 ~~hereof~~ (68 Ill. Adm. Code 1210.200(a)) 8c of the Act.
- 3) A general journal, ~~which shall~~ reflecting all adjustments to the check register and cash receipts records.
- 4) A general ledger, or record, to which shall be posted monthly with respect to all payments ~~on accounts~~ handled by an agency are recorded, ~~such postings to occur within 90 days after the close of each business month.~~
- 5) A creditor's record, ~~which shall~~ setting forth the details of the contractual arrangement, whether written or oral, of ~~such~~ the agency with each creditor, and shall reflect full details of all collections made on behalf of ~~such~~ the creditor, whether paid to agency or directly to creditor, and full details on remittances made by ~~such~~ the agency to ~~such~~ the creditor.
- c) The Trust Account shall be reconciled each month with the balance shown in the Trust Account shown on agency records.
- d) All ~~books of~~ accounts and records of each account referred to in this Section shall be kept for a period of four years after ~~such~~ the account is closed.

- e) A collection agency may employ an accounting system based on sound accounting principles which utilizes electronic data processing equipment that includes information set forth in Section 1210.190(b).

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

- a) Each licensed agency office shall at all times maintain a separate bank account in which all monies received on assigned claims shall be deposited (herein sometimes called "Trust Account") except that negotiable instruments received may be forwarded directly to a creditor if such procedure is provided for by a writing executed by the creditor. Monies received shall be so deposited within five business days after posting to the agency's books of account.

- b) The bank account of a licensed agency containing its collections shall bear a title sufficient to designate it as a Trust Account. Each such agency shall be responsible for having on deposit in such Trust Account at all times sufficient funds with which to pay all monies owing to all creditors of such agency. No disbursement shall be made from such Trust Account except:

- 1) To creditors;
- 2) To pay costs advanced by creditors;
- 3) To agency's attorneys;
- 4) To refund overpayments; or
- 5) To pay agency such monies as may be contractually due to agency.

- c) Monies held by an agency and belonging to a creditor or a debtor who cannot be located may be deposited in a separate bank account in the name of the agency followed by a designation which shall clearly label them as unclaimed funds. Such money so deposited shall be recorded as being held by such agency in a fiduciary capacity. Each agency shall maintain as to each accrual to each such account a clear and complete record thereof. If such money is not claimed by any creditor or the debtor of such agency within 7 years following its collection by such agency, and the circumstances are such that it is presumed to be abandoned or unclaimed property under the provisions of Uniform Disposition of Unclaimed Property Act, Ill. Rev. Stat. ch. 114, pars. 161-130, such agency shall report to and shall pay or deliver the money and any income or increment thereon to, the Director of the Department of Financial Institutions at the time and in the manner therein provided.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

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Section 1210.210 Notice for Hearing (Repealed)

- a) Not later than 30 days prior to the scheduled date of any hearing to be held pursuant to Sections 10 and 11 of the Act, the Department shall give notice of such hearing to the registrant involved who is named as respondent and shall include the Complaint with respect to such registrant containing:
 - 1) A statement of the time, date, location and nature of the proceeding;
 - 2) The name of the hearing officer, if a person other than the Director is to conduct such hearing;
 - 3) A statement setting forth a list of the charges against such respondent, including, but not necessarily limited to, specifications of the acts complained of;
 - 4) Reference to the particular sections of the Act and the particular Rules allegedly violated and reference to the particular sections of the Act and particular Rules granting authority and jurisdiction to the Department to conduct such hearing;
 - 5) Any other information which the Department may deem advisable or necessary to the adequate notification of such respondent;
 - 6) The time within which such respondent may file with the Department an answer to such complaint and where and to whom it shall be sent. There shall be no need for respondent to file such Answer, and all allegations of such Complaint shall be deemed to be contested unless specifically admitted by the respondent.
- b) All notices from and to the Department, in connection with hearings, shall be sent by certified mail, return receipt requested, to the respondent at the addresses provided for mailing notices pursuant to Rules 10, 11 and 12, (68 Ill. Adm. Code 1210.100, 1210.110, and 1210.120) respectively. If an attorney shall enter an appearance for the respondent, then, thereafter, notices to such respondent shall be sent both to such respondent and to such attorney.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.220 Procedures for Hearing (Repealed)

- a) Alleged prejudice; Hearing Request
 - 1) If the respondent shall reasonably believe any hearing officer selected to conduct such hearing to be prejudiced against such respondent or his attorney, such respondent shall make a request in writing to the Director, at least 14 days prior to the date set for such hearing, to substitute another

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- a) Hearing officer. Such request shall be accompanied by an affidavit setting forth the facts upon which such belief of prejudice is predicated, signed by such respondent or any officer thereof or the attorney engaged to represent such respondent. Upon receipt of such request, the Director shall make a determination, based upon evidence which he deems sufficient, whether such alleged prejudice exists and, if he finds that such alleged prejudice exists, the Director may appoint a substitute hearing officer.
- 2) If the Director rejects an application for registration, the applicant may, within 14 days of receipt of notice of such rejection, request a hearing on such rejection. Such request shall be sent to the Department in the manner set forth in Rule 10 (68 Ill. Adm. Code 1210.100). Within 14 days after receipt of such request, the Director shall set such rejection for hearing and give to such applicant at the address of such applicant provided in such previously rejected application notice of the date, time and place of such hearing.
- b) The technical rules of evidence shall not apply at any hearing involving any registration or denial, revocation or suspension thereof. The parties shall be given an opportunity to present evidence and oral or written (or both) argument on any issue of fact or law, or both.
- c) The burden of proof in any proceeding shall be upon the complainant therein, except that, in the case of any new matter introduced in connection with any affirmative defense, the burden of proof with respect thereto shall be upon the party alleging such new matter. Any evidence having probative value in force, relevant and material to the facts in issue, shall be admitted in the proceedings, subject only to objections to the weight thereof as distinguished from admissibility, per se. Immaterial, irrelevant, and unduly repetitious evidence shall be excluded. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted.
- d) Any party may submit evidence in rebuttal or surrebuttal.
- e) A party may conduct an examination or cross-examination without rigid adherence to formal rules of evidence, provided the examination or cross-examination does not descend to cheer abuse or harassment of a witness and the examination or cross-examination can be shown to be necessary to full and fair disclosure of facts bearing upon matters in issue.
- f) If the Director or hearing officer presiding determines that a witness is hostile or unresponsive, he may authorize the examination by the party calling such witness as if under cross examination.

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g) Any party may call any adverse party as a witness without vouching for his credibility and proceed to examine such adverse party as if under cross examination. Any party calling a witness, upon a showing that he called the witness in good faith and is surprised by his testimony, may impeach such witness by evidence of prior inconsistent statements.

h) Depositions and Rules of Privilege

1) A deposition may be used in lieu of other evidence when taken in compliance with the Illinois Supreme Court Rules governing evidence depositions in the Circuit Courts of Illinois.

2) Anything herein to the contrary notwithstanding, effect shall be given to the rules of privilege recognized by law with respect to any evidence presented or attempted to be presented.

i) Recording of Testimony--At any hearing on denial, revocation or suspension of a registration, the testimony of witnesses may be recorded by mechanical, electrical, electronic or visual recording devices.

j) Recording of Hearing--The record of any hearing shall include:

1) The Complaint and Answer or other pleadings, if any;

2) The transcript or other record of the proceedings, including, but not limited to, exhibits of evidence and the findings of fact, conclusions of law and recommendations of the Director or hearing officer, if a person other than the Director conducts such hearing;

3) The final order or determination made by the Director.

k) Final Decisions and Orders in Contested Cases--A final decision or order of the Director shall be made within a reasonable period, in writing or stated in the record and shall include finding of fact and conclusions of law, separately stated. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting them. A decision or order shall not be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the proceeding and as supported by and in accordance with the competent material and substantial evidence. A copy of the decision or order shall be delivered, or mailed forthwith to each party or to his attorney of record, if he has one.

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l) Further Hearing--If the Director does not agree with the findings, conclusions or recommendations of the hearing officer following the conclusion of a hearing regarding denial, revocation or suspension of a certificate of registration, he may refer the matter back to the same hearing officer or another hearing officer in order that the Department or the respondent or both shall be given an opportunity to present further evidence or argument or the time, date and location of such hearing shall be sent to such respondent by certified mail at least 30 days prior to the date set for such hearing.

m) Final Order--As soon as practicable after that portion of the record of any hearing consisting of the complaint, answer and other pleadings if any, and the transcript or other record of the proceedings has been certified and received by the Director, the Director shall issue his order on the granting, denial, revocation or suspension of registration. In the event that any application for registration is denied, or any registration is revoked or suspended, the order shall include the findings of fact and conclusions of law upon which the order is based. The order shall specify the date on which it shall take effect. The Director shall cause one copy of his order to be served upon each party to the particular proceeding.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993.)

Section 1210.230 Default Disposition of a Hearing (Repealed)

Unless otherwise provided by law, if a party fails to appear at any proceeding after proper service of notice, the Department, if no continuance is granted, may proceed with the hearing and make its decision in the absence of such party.

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993.)

Section 1210.235 Renewals

a) Every certificate of registration issued under the Act shall expire on May 31 of each odd numbered year. The holder of a certificate of registration may renew such the certificate during the month preceding the expiration date thereof by paying the required fee.

b) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993.)

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Section 1210.240 ~~Granting Variances~~ ~~Suspension or Modification of Rules and Regulations~~

~~These Rules and Regulations may be suspended or modified by the Director of the Department, in whole or in part, in the interests of justice. The Department, by and through its Director, reserves the right to waive compliance with any of these Rules and Regulations, whenever, in the Director's judgment, no party will be injured thereby.~~

a) ~~The Director may grant variances from these rules in individual cases where he/she finds that:~~

- 1) ~~The provision from which the variance is granted is not statutorily mandated;~~
- 2) ~~No party will be injured by granting the variance; and~~
- 3) ~~The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.~~
- b) ~~The Director shall notify the Board in writing of the granting of such variance, and the reasons therefor, at the next meeting of the Board.~~

(Source: Amended at 17 Ill. Reg. 1535, effective January 25, 1993)

Section 1210.250 Construction of Rules and Regulations (Repealed)

~~These Rules and Regulations should not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois nor to deny any person life, liberty, or property without due process of law.~~

(Source: Repealed at 17 Ill. Reg. 1535, effective January 25, 1993)

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- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers: Adopted Action:
1150.40 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 1308 and 1312.
- 5) Effective Date of Amendments: January 25, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 22, 1993
- 9) Date Notice of Proposal Published in Illinois Register: November 6, 1992, at 16 Ill. Reg. 17042
- 10) Has ICAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version:

In Section 1150.40(b), the following changes were made:

- 3) ", Building Systems" was deleted.
- 4) "Structural - General/Long Span" was changed to "Structural Technology - General and Long Span".
- 5) "Technology" was inserted after "Structural".
- 6) "Acoustical Systems" was substituted for "Life Safety Systems".
- 7) "and" was added at the end.

In Section 1150.40(j), "expire and" was inserted after "shall" in the phrase "the application shall be denied." Also, since the first two sentences no longer are quoted verbatim from the Act, the italics and Section citation were removed.

In Section 1150.40(k), "the failed parts of" was inserted after "repeat" in the phrase "to repeat the examination".

In Section 1150.40(l), "State" was changed to "jurisdiction"

In Section 1150.40(m), "another state" was changed to "another jurisdiction" and "this state" was changed to "this State".

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The Illinois Register volume issue and the Illinois Revised Statutes citation were updated in response to comments from the Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes
- 13) Will these Rules replace Emergency Rules currently in effect? No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Current rules require that an applicant for the Architect Registration Examination (ARE) take all Divisions of the exam on the first attempt. Prior to the sunset of the Illinois Architecture Practice Act and promulgation of the rules for the administration of the Act, applicants for the ARE were permitted to prefile for the examination as long as the applicant would satisfy the experience requirement by the date of the examination. The examination was given once a year (June only).

Applicants are now required to have submitted verification of all experience prior to being approved for the examination. Two Divisions of the ARE are now offered in December of each year as computer examinations. Applicants who sat for the examination in June and were not successful in all nine Divisions of the ARE are permitted to take the two Divisions offered in December. Applicants who did not satisfy the experience requirements for the June administration of the ARE are eligible for the December administration of the two Divisions of the ARE. However, pursuant to Section 1150.40(i), the applicants cannot be permitted to take those Divisions because they must take all Divisions on the first attempt.

The Architecture Licensing Board unanimously passed a motion during its meeting on September 18, 1992, that the Director of the Department of Professional Regulation grant a variance from Section 1150.40(i) until the Rules can be amended.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION
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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150
ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section	
1150.20	Approved Education and Diversified Professional Training/Experience
1150.30	Application for Licensure by Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.80	Corporations and Partnerships
1150.90	Standards of Professional Conduct
1150.100	Renewals
1150.110	Granting Variances
1150 Illustration A	Architect Seal Requirements

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 1301 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 111. Reg. 11019; emergency amendment at 6 111. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 111. Reg. 7448, effective June 15, 1982; amended at 7 111. Reg. 7658, effective June 15, 1983; amended at 9 111. Reg. 5691, effective April 16, 1985; amended at 11 111. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 111. Reg. 2933; amended at 16 111. Reg. 3143, effective February 14, 1992; amended at 17 111. Reg. 1554, effective January 25, 1993.

Section 1150.40 Examination

- a) The examination for licensure as an architect is an examination administered at least once a year and is prepared by the National Council of Architectural Registration Boards (NCARB).
- b) The examination shall consist of the following content areas:

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- 1) Division A, Pre-Design;
- 2) Division B, Site Design (Graphic and Written);
- 3) Division C, Building Design, ~~Building Systems~~;
- 4) Division D/E Structural Technology - General ~~and~~ Long Span;
- 5) Division E, Structural Technology - Lateral Forces;
- 6) Division G, Mechanical, Plumbing, Electrical and ~~Life Safety Systems~~ Acoustical Systems;
- 7) Division H, Materials and Methods; and
- 8) Division I, Construction Documents and Services.

c) In order to be successful in the examination, an applicant shall achieve a converted score of 75 or greater in each Division except as indicated in subsection (d) below.

d) Division C and a portion of Division B are graphic design problems, which are graded in accordance with evaluation criteria provided to applicants prior to the examination. Division C is graded with a score of either pass or fail.

e) All applicants who are in the process of taking the examination formerly administered by the Department shall receive credit for previous examinations passed as follows:

Previous
Examinations
Passed

Credits to Architect
Registration Examination
(ARE) Divisions

Qualifying
Section A

Division A (partial credit - see (f)
below)

Divisions D/E- and E- and F

Division H

Division G

Professional
Section A

Divisions B and C

Division A (partial credit - see (f)
below)

Division A (partial credit - see (f)
below)

Divisions G and H

Division I

f) In order to receive credit for Division A of the ARE, an applicant must pass both the Qualifying Examination, Section A, and the Professional Examination, Section B, Parts I and II.

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- g) Since the history and theory of architecture are incorporated into all Divisions of the ARE, no credit will be given for only having passed the Qualifying Test-Section A, History. The only credit awarded for Section A will be partial credit towards Division A as outlined in subsection (f) above.
- h) In order to be eligible for transfer credits for any parts of the Professional Examination-Section B, the candidate must have passed three parts of the examination in one sitting, on or after December 1980.

i) Applicants shall, in all cases, pass Division A of the ARE if they have not passed Section A of the Qualifying Test even though the applicant may have passed the Professional Examination Section B, Parts I and II.

j) All other applicants must take all Divisions in the first attempt.

k) If an applicant fails to pass an examination for licensure under this Act within six years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualification for examination in effect at the time of the new application (Section 124 of the Act). If an applicant fails to pass an examination for licensure under the Act within 6 years after filing an application, the application shall expire and be denied. The applicant may, however, make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application. Scores from divisions of the examination already passed under a previous application shall be carried over and applied to subsequent applications.

l) Applicants who fail to achieve the required passing score in any Division(s) of the examination will be afforded unlimited opportunities to repeat the failed parts of the examination.

m) The provisions of this Section shall be waived for an applicant for licensure as an architect who makes application in form and substance satisfactory to the Department pursuant to the standards set forth in Section 1150.30 and causes to be filed with the Department, in addition to his/her application, proof of successful completion of the NCARB examination administered pursuant to the standards outlined above in another jurisdiction. Such proof of successful completion must be forwarded directly to the Department from the State jurisdiction in which the examination was taken.

n) Divisions of the examination passed in another State jurisdiction will be accepted toward licensure in this State if the Division was not subsequently failed.

(Source: Amended at 17 Ill. Reg. 1554, effective January 25, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)1) Heading of the Part: Illinois Dental Practice Act2) Code Citation: 68 Ill. Adm. Code 12203) Section Numbers: Adopted Action:

1220.160	Amendment
1220.170	New Section
1220.260	Amendment
1220.270	New Section
1220.360	New Section
1220.435	Repealed
1220.440	New Section
1220.525	New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 2305, 2316 and 2316.1.5) Effective Date of Amendments: January 25, 19936) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: January 21, 19939) Date Notice of Proposal Published in Illinois Register: October 16, 1992, at 16 Ill. Reg. 1576210) Has ICAR issued a Statement of Objections to these amendments? No11) Difference(s) between proposal and final version:

In Section 1220.440(b)(2)(L), "and State" was inserted between "Federal" and "government", and "dental division" was inserted after "i.e.",

In 1220.440(c) and (c)(1), the references to "(b)(2)(L)" were changed to "(b)(2)(M)".

Other changes involved underlines, strike-outs and style which resulted from comments made by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes13) Will these Amendments replace an Emergency Amendment currently in effect?
NoDEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)14) Are there any Amendments pending on this Part? No15) Summary and Purpose of Amendments: This rulemaking implements P.A. 87-804, Section 1, which became effective July 1, 1992, and sets forth continuing education requirements for dentists and dental hygienists.

Starting with the September 30, 1994, license renewal, dentists will be required to complete 32 hours of continuing education and dental hygienists 24 hours during each 24 month prerenewal period.

The proposed rulemaking gives criteria for approved continuing education courses and sponsors, establishes application procedures and describes circumstances under which a waiver of CE requirements may be granted.

Restoration Sections were amended and renewal Sections were added for dentists, dental hygienists and dental specialists to incorporate the new continuing education requirements.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section

- 1220.110 Application for Examination
- 1220.120 Clinical Examinations
- 1220.130 System of Retaking the Clinical Sections of the Examination
- 1220.140 Minimum Standards for an Approved Curriculum in Dentistry
- 1220.150 Licensure (Repealed)
- 1220.160 Restoration
- 1220.170 Renewal

SUBPART B: DENTAL HYGIENIST

Section

- 1220.210 Applications
- 1220.220 Clinical Examination
- 1220.230 System of Grading
- 1220.231 System of Retaking the Clinical Examination
- 1220.240 Permitted Duties of Dental Auxiliaries
- 1220.250 Approved Programs of Dental Hygiene
- 1220.260 Restoration
- 1220.270 Renewal

SUBPART C: DENTAL SPECIALIST

Section

- 1220.310 Applications
- 1220.320 Examination
- 1220.330 System of Grading
- 1220.335 American Board Diplomates
- 1220.340 Specialty Listing (Repealed)
- 1220.350 Restoration
- 1220.360 Renewal

SUBPART D: GENERAL

Section

- 1220.400 Reportable Diseases and Conditions
- 1220.410 Endorsement
- 1220.421 Advertising

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- 1220.425 Referral Services
- 1220.431 Employment by Corporation (Repealed)
- 1220.435 Renewals (Repealed)
- 1220.440 Continuing Education
- 1220.441 Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section

- 1220.500 Definitions
- 1220.510 Light Parenteral Conscious Sedation
- 1220.520 General Anesthesia and Deep Parenteral Conscious Sedation
- 1220.525 Renewal
- 1220.530 Anesthesia Review Panel
- 1220.540 Approved Programs in Anesthesiology
- 1220.550 Reporting of Adverse Occurrences
- 1220.560 Restoration of Permits

1220. Appendix A Pre-clinical Restorative Dentistry Sub-section (Repealed)

1220. Appendix B Dental Assistant Permitted Procedures

1220. Appendix C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 2301 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter VII, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993.

Section 1220.160 Restoration

- a) A licensee seeking restoration of a dental ~~his~~ license after it has expired for less than five (5) years shall have the license restored by submitting

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proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and upon payment of \$10 plus all lapsed renewal fees.

- b) A licensee seeking restoration of a ~~his~~ dental license after it has expired for five (5) years or more shall file an application, on forms supplied by the Department, together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the Act. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a ~~his~~ license within 2 years of termination of such service, he/she shall have the ~~his~~ license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.120(a)(2) or take and pass the NERB examination or its regional equivalency.

(Source: Amended at 17 Ill. Reg. 1559, effective January 25, 1993)

Section 1220.170 Renewal

- a) Every dental license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the fee required in Section 21(a)(5) of the Act and certifying to fulfillment of 32 hours of continuing education pursuant to Section 1220.440.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Added at 17 Ill. Reg. 1559, effective January 25, 1993)

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Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist ~~his~~ license after it has expired for less than five (5) years shall have the ~~his~~ license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and ~~upon~~ payment of \$10 plus all lapsed renewal fees, but not to exceed \$85.

- b) A licensee seeking restoration of a ~~his~~ dental hygienist license after it has expired for five (5) years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction. The ~~Sack~~ certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a ~~his~~ license within 2 years of termination of such service, he/she shall have ~~his~~ the license restored without paying any lapsed renewal or restoration fees.

- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 or take and pass the NERB examination or its regional equivalency.

(Source: Amended at 17 Ill. Reg. 1559, effective January 25, 1993)

Section 1220.270 Renewal

- a) Every dental hygienist license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date by

- 1) certifying on the application to completion of 24 hours of continuing education pursuant to Section 1220.440 of this Part.

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- 2) certifying to current certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
 - 3) submitting the fee required in Section 21(b)(4) of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.
- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Added at 17 Ill. Reg. 1559, effective January 25, 1993)

Section 1220.360 Renewal

- a) Every dental specialty license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act.
- b) No specialty license shall be renewed if the dental license is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

(Source: Added at 17 Ill. Reg. 1559, effective January 25, 1993)

Section 1220.435 Renewals (Repealed)

- a) ~~Every license and anesthesia permit issued under the Act shall expire on September 30 of each even numbered year. The holder of a license or permit may renew such license or permit during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act.~~

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- b) ~~No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended, or otherwise subject to professional discipline under Section 23 of the Act.~~
- e) ~~It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.~~

(Source: Repealed at 17 Ill. Reg. 1559, effective January 25, 1993)

Section 1220.440 Continuing Education

a) Continuing Education Hours Requirements

- 1) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 32 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.
 - 2) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed 24 hours of CE relevant to the practice of dental hygiene during the prerenewal period.
 - 3) A prerenewal period is the 24 months preceding September 30 of each even-numbered year.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.
 - 5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete 32 hours to renew the dental license.
 - 6) Dentists or dental hygienists licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
- b) Approved Continuing Education/Continuing Education Sponsors
- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:

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- A) Clinical courses in dentistry and dental hygiene; or
- B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.
- 2) CE credit may be earned for verifiable attendance at or participation in any courses which meet the requirements of subsection (b)(1) above given by one of the following sponsors:
- A) American Dental Association and National Dental Association, its constituent and component/branch associations;
- B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
- C) Dental programs approved by the Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
- D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as:
- i) Oral and Maxillofacial Surgery
 - ii) Endodontics
 - iii) Pediatric Dentistry
 - iv) Prosthodontics
 - v) Orthodontics
 - vi) Periodontology;
- E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
- F) American Dental Society of Anesthesiology its constituent and component/branch associations;
- G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;
- H) A college or university accredited by an agency approved by the U.S. Office of Education;

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- I) A hospital which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
- J) The American Heart Association and the American Cancer Society;
- K) A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
- L) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.); or
- M) A person, firm or association approved by the Department in accordance with subsection (c) below.
- 3) CE credit may be earned for completion of an individual study course (correspondence course) sponsored by an approved sponsor. Such courses shall include a test which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a pre renewal period may be acquired through correspondence courses.
- 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
- 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
- 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a pre renewal period may be acquired through teaching continuing education courses.
- 7) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
- 8) Continuing education hours required by disciplinary order shall not be used to satisfy the continuing education requirements for license renewal

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- 2) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

c) Sponsor Application Pursuant to Subsection (b)(2)(M)

- 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) above shall file an application, on forms supplied by the Department, along with a \$500 processing fee. The applicant shall certify on the application the following:

A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;

B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:

- i) The name and address of the sponsor;
- ii) The name, address and license number of the participant;
- iii) A brief statement of the subject matter;
- iv) The number of hours attended in each program;
- v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
- vi) The date and place of the program; and
- vii) The signature of the sponsor.

C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.

- 2) To maintain approval as a sponsor, each sponsor shall submit to the Department by September 30 of each even-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

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d) Certification of Compliance With CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.

2) The Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.

3) The Department may conduct random audits to verify compliance with CE requirements.

4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1016).

e) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Department finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of such period;

B) An incapacitating illness documented by a licensed physician; or

C) Undue hardship;

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- D) Being retired from practice and not performing any dental or dental hygiene services; or
- E) Being disabled and unable to practice dentistry or dental hygiene.
- 3) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Added at 17 Ill. Reg. 1559, effective January 25, 1993.)

Section 1220.525 Renewal

- a) Every anesthesia permit issued under the Act shall expire on September 30 of each even numbered year. The holder of a permit may renew such license or permit during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act.
- b) No anesthesia permit shall be renewed if the dental license of the permit holder is expired, revoked, suspended, or otherwise subject to discipline under Section 23 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

(Source: Added at 17 Ill. Reg. 1559, effective January 25, 1993.)

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- 1) Heading of the Part: The Illinois Nursing Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3) Section Numbers: Adopted Action:
1300.48 Amendment
- 4) Statutory Authority: The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3510, 3517, 3518 and 3523) and Public Act 87-1156, effective January 1, 1993.
- 5) Effective Date of Amendments: January 25, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 21, 1993
- 9) Date Notice of Proposal Published in Illinois Register: October 30, 1992, at 16 Ill. Reg. 16484
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
In AUTHORITY, "par." was changed to "pars".
- In SOURCE, "for maximum of 150 days" was changed to "for a maximum of 150 days".
- In response to comments from the Administrative Code Division, the following changes were made:
- In the AUTHORITY note, strike-outs and underscoring were added to show changes in citing the Illinois Revised Statutes.
- In Section 1300.48(a) "the" was underlined in the phrase "...payment of the fees required by Section 23(d) of the Act."
- In Section 1300.48(e)(3)(E), "(D) and (E)" was changed to "(C) and (D)"
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

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- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking amends the Restoration Section of the Rules by (1) adding application procedures for nurses seeking Temporary Restoration Permits to work pending the issuance of a license by restoration, as provided for in Public Act 87-1156, effective January 1, 1993, and (2) adding educational program alternatives that shall be acceptable as meeting proof of fitness requirements for nurses seeking to restore licenses that have been on inactive status or expired for more than five years.
- 16) Information and questions regarding this amended part shall be directed to:
- Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300

THE ILLINOIS NURSING ACT OF 1987

Section	
1300.10	Definitions
1300.20	Application for Examination
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination
1300.30	Licensure by Endorsement
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.70	Fines

AUTHORITY: Implementing The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, pars. 3501 et seq., as amended by P.A. 87-1156, effective January 1, 1993) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989 1991, ch. 127, par. 60(7)).

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) Pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2038; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993.

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Section 1300.48 Restoration

- a) A licensee seeking restoration of a ~~his~~ license that ~~which~~ has expired for less than five (5) years shall have the ~~his~~ license restored upon payment of ~~an~~ ~~lapsed~~ ~~renewal~~ the fees required by Section 23(d) of the Act.
- b) A licensee seeking restoration of a ~~his~~ license ~~which~~ that has been placed on inactive status for less than five (5) years shall have the ~~his~~ license restored upon payment of the restoration fee.
- c) A licensee seeking restoration of a ~~his~~ license after it has expired or been placed on inactive status for more than five (5) years shall file an application, on forms supplied by the Department, together with the fee required by Section 23(d) of the Act. The ~~registrant~~-licensee shall also submit proof of fitness to practice, which includes one of the following:

- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 17 of the Act; or
- 3) Proof of successful completion of a current nursing practice update course, which shall include evaluated clinical experience, approved by the Department, as specified in Section 1300.41 of this Part; or
- 4) Proof of satisfactory completion of a medical-surgical nursing theory and clinical course in a nursing education program as defined in Section 1300.40 of this Part for practical or registered nurse licensure, consistent with the license which the individual is seeking to restore; or
- 5) Proof of satisfactory completion of a course that includes:
 - A) A self-study nursing theoretical component that is:

- i) Approved by another state nursing licensing authority and includes medical-surgical nursing across the life span and consists of a minimum of 36 hours for practical nurses or 48 hours for registered nurses; or
- ii) Approved by the Department and contains assessment of theoretical and skill learning needs, a plan for content with objectives and a plan for documentation of successful completion, and

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B) A clinical practice component that includes:

- i) Sponsorship by a health care delivery institution or nursing education program that meets the requirements set forth in Section 1300.41 of this Part;
- ii) A minimum 96 hours for registered nurses and 64 hours for practical nurses of supervised patient care with progressive activities;
- iii) Completion of the minimal skills list provided by the Department; and
- iv) Identification of a registered nurse preceptor.

d) All restoration applicants shall demonstrate knowledge of the current Illinois Nursing Act and Rules.

e) Individuals applying for licensure by restoration may apply to the Department on forms provided by the Department to receive a Temporary Restoration Permit, pursuant to P.A. 87-1156, effective January 1, 1993. Such permit shall allow the applicant to work pending the issuance of a license by restoration.

1) The temporary restoration permit application shall include:

- A) A completed signed restoration application, along with the required restoration licensure fee as set forth in Section 23(d) of the Act. All supporting documents shall be submitted to the Department before a permanent license by restoration shall be issued;
 - B) Photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions (current active licensure in at least one United States jurisdiction is required); or, verification of employment in nursing practice within the last 5 years in a United States jurisdiction; and
 - C) The temporary restoration permit fee as required in Section 19(b)(4) of the Act.
- 2) The Department shall issue a temporary restoration permit no later than 14 days after receipt of a completed application as set forth in subsection (1) above.
- 3) Temporary permits shall be terminated upon:
- A) The issuance of a permanent license by restoration;

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- B) Failure to complete the application process within six (6) months from the date of issuance of the permit;
 - C) A finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
 - i) Felony; or
 - ii) Misdemeanor directly related to the practice of nursing within the last 5 years;
 - D) A finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or
 - E) The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsection (C) and (D) above and/or Section 25 of the Act.
- 4) A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:
- A) Serving full-time in the Armed Forces;
 - B) An incapacitating illness as documented by a currently licensed physician;
 - C) Death of an immediate family member; or
 - D) Extenuating circumstances beyond the applicant's control as approved by the Director.
- 5a) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of discrepancies or conflicts in lack of information, discrepancies or conflicts in information needing further clarification given, or a need for clarification, and/or missing information, the licensee will be requested to:

- 1) Provide such information as may be necessary; and/or

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- 2) ~~Explain such relevance or sufficiency during an oral interview; or~~
- 3a) ~~Appear for an oral interview before the Committee designed to determine the individual's current competency to practice as a Registered Professional Nurse or Licensed Practical Nurse to explain such relevance or sufficiency, clarify information, or clean up any discrepancies or conflicts in information. Upon recommendation of the Committee and approval by the Department, an applicant shall have the license restored.~~

(Source: Amended at 17 Ill. Reg. 1572, effective January 25, 1993.)

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- 1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1983
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3) Section Numbers: Adopted Action:
- | | |
|---------|-----------|
| 1240.5 | Repealed |
| 1240.10 | Amendment |
| 1240.15 | Amendment |
| 1240.50 | Amendment |
| 1240.51 | Amendment |
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 2659, 2664, 2668 and 2670.
- 5) Effective Date of Amendments: January 26, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 25, 1993
- 9) Date Notice of Proposal Published in Illinois Register: October 16, 1992, at 16 Ill. Reg. 15775
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:

In Section 1240.10(b), "he has" was replaced by "having".

In Section 1240.10(b)(1), "with an average of at least 20 work days per month" was inserted between "months" and "during".

In Sections 1240.10(b)(2) and 1240.15(a)(2), "1800 hours annually or more" was changed to "1800 hours or more annually".

In Section 1240.10(d)(1), "fingerprints" was changed to "fingerprint".

In Section 1240.15(a)(3)(A), "substantial" was changed to "substantially".

In Section 1240.51(c), "The required fee" was changed to "The fee".

In response to comments from the Administrative Code Division, the following changes were made:

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In Section 1240.15(b) and (c), subsection labels (c) and (d) with strike-outs were deleted because they are not currently on file.

In Section 1240.51(d), the amended language change from "work" to "word" was not necessary because the language currently on file is "word".

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.

13) Will these Amendments replace an Emergency Amendment currently in effect?
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking implements Section 14(c)(12) of the Act, which authorizes the Department to conduct an examination for persons seeking licensure as private alarm contractors, and Section 20, which provides for 3-year licenses, employee registration cards and certificates of registration for agencies.

Applicants for private detective and private security contractor licenses will be allowed to submit verification of being peace officers in lieu of submitting fingerprint cards. New language defines "equivalent experience" for applicants seeking to qualify to sit for the examination. A passing score of 70 is established for the examination.

License renewal periods are increased from two years to three years for employee registration cards and certificates of registration for agencies and branch offices. Triennial renewal of individual licenses already is provided for in the Rules.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS
TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS
PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM AND
PRIVATE SECURITY ACT OF 1983

- Section 1240.5
- 1240.7
- 1240.10
- 1240.15
- 1240.16
- 1240.20
- 1240.25
- 1240.30
- 1240.35
- 1240.40
- 1240.41
- 1240.45
- 1240.46
- 1240.48
- 1240.50
- 1240.51
- 1240.55
- 1240.60
- 1240.65
- 1240.70

Licensure Under Section 6 of the Act (Repealed)
Exemptions Under Section 5 of the Act
Application for Examination and Licensure - Private Detective and Private Security Contractor
Application for Examination and Licensure - Private Alarm Contractor
Registration of Proprietary Security Force
20-Hour Basic Training Course - General
20-Hour Basic Training Course - Security Guards and Alarm Runners
Firearm Training Course
Approval of Training Programs and Instructors
Permanent Employee Registration Card
Refusal to Issue Employee Registration Card
Firearm Authorization Cards
Recordkeeping Requirements - Employee Files
Uniforms
Renewals
Requests for Duplicate Certificates
Endorsement
Restoration
Conduct of Hearings
Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1983 (Ill. Rev. Stat. 1991 1987, ch. 111, pars. 2651 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991 1987, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of

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150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993.

Section 1240.5 Licensure Under Section 6 of the Act (Repealed)

- a) For an individual whose certificate of registration as a private detective was in nonrenewed status on the effective date of the Private Detective, Private Alarm and Private Security Act (the "Act") (Ill. Rev. Stat. 1987, ch. 111, par. 2651 et seq.):
 - 1) To be eligible to receive a license under the "grandfather" provisions of Section 6 of the Act, an applicant must first reinstate his certificate of registration (certificate) as a Private Detective to active status. An applicant shall have 5 years from the expiration date specified on his certificate(s) to do so.
 - 2) Precluding any circumstances which could prevent such reinstatement, upon completion of a reinstatement application and upon payment of the required fee, (\$50.00 reinstatement fee plus all lapsed renewal fees), the Department of Professional Regulation (the Department) will change the status of the applicant's certificate(s) on Departmental records.
 - 3) After reinstatement of the certificate(s), the applicant shall submit the:
 - A) a completed application for licensure under Section 6 of the Act;
 - B) proof of liability insurance as evidenced by a certificate of insurance from the insurer;
 - C) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the processing fee pursuant to Section 20(c)(12) of the Act; and
 - D) the required fees for the issuance of original licenses as specified in Section 20 of the Act.
- 4) A license will not be issued until the fingerprints have been processed pursuant to provisions set forth in Section 15(d) of the Act.

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- 5) Upon receipt of the above, the applicant will be granted the specified license(s).
- b) For an individual whose certificate of registration as a private detective was active and in good standing on the effective date of the Act, but who failed to apply for licensure under Section 6 of the Act by April 16, 1984:
- 1) To be eligible for licensure under the "grandfather" provisions of Section 6 after April 16, 1984, an applicant must first reinstate his certificate of registration as a private detective to active status. An applicant shall have until April 16, 1989, to do so.
 - 2) Precluding any circumstances which would prevent such reinstatement, upon completion of a reinstatement application and upon payment of the required fees (\$50.00 plus all lapsed renewal fees), the Department will change the status of the applicant's certificate(s) on Departmental records.
 - 3) After reinstatement of the certificate the applicant shall submit the following to the Department:
 - A) a completed application for licensure under Section 6 of the Act;
 - B) proof of liability insurance as evidenced by a certificate of insurance from the insurer;
 - C) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the processing fee pursuant to Section 20(c)(12) of the Act; and
 - D) the required fees for the issuance of original license(s) as specified in Section 20 of the Act.
 - 4) A license will not be issued until the fingerprints have been processed pursuant to provisions set forth in Section 15(d) of the Act.
 - 5) Upon receipt of the above, the applicant will be granted the specified license(s) without meeting further requirements.

(Source: Repealed at 17 Ill. Reg. 1579, effective January 26, 1993)

Section 1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, must be on file at least 60 days prior to the date of the examination.

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- b) No candidate shall be admitted to the examination until he has having fulfilled the experience and/or education requirements specified in the Act. To determine such fulfillment, the following standards shall be applied:
- 1) The term "year" shall be 12 average work months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment.
 - 2) The work schedule of the employing agency or organization will be accepted as meeting the "full-time" employment requirement, provided it is equal to 1800 hours or more annually ~~or more~~.
 - 3) "Full-time supervisor in a law enforcement agency" shall mean any rank above patrolman.
 - c) The passing grade on the examination is 70.
 - d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application must be complete and must be accompanied by:
 - 1) 1 set of fingerprints cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act;
 - 2) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time employment as a peace officer. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.
 - 2) 2 photographs 1 1/2" x 1 1/2", taken within the 3 months preceding application;
 - 3) Proof of liability insurance as evidenced by a certificate of insurance from the insurer; and
 - 4) The required fee(s) specified in Section 20 of the Act

(Source: Amended at 17 Ill. Reg. 1579, effective January 26, 1993)

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Section 1240.15 Application for Examination and Licensure - Private Alarm Contractor

- a) An individual seeking licensure by examination as a private alarm contractor shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination, and shall also submit the following:

- 1) ~~proof of liability insurance as evidenced by a Certificate of Insurance from the insurer;~~
- 2) ~~2 photographs, 1 1/2" x 1 1/2", taken within the 3 months preceding application;~~
- 3) ~~1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act; and~~
- 4) ~~the required fee(s) specified in Section 20 of the Act.~~

- b) ~~The application. An individual seeking licensure as a private alarm contractor after January 1, 1986, shall include submit proof acceptable to the Department that the applicant has fulfilled the required experience specified in Section 14(c) of the Act. To determine such fulfillment, the following standards shall be applied:~~

- 1) ~~The term "year" shall be 12 twelve-average-work months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment.~~
- 2) ~~The work schedule of the employing agency will be accepted as meeting the "full-time" employment requirement provided it is equal to 1800 hours or more annually or more.~~
- 3) ~~Applicants qualified to sit for the examination pursuant to Section 14(c)(11)(C) of the Act shall have private alarm experience which shall include, but not be limited to:~~
 - A) ~~Private alarm experience gained while licensed in another jurisdiction with substantially equivalent licensure requirements for 3 of the last 5 years; or~~
 - B) ~~Experience gained as a full-time supervisor, manager or administrator of an alarm business for 3 of the last 5 years.~~

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- b) ~~The passing score on the examination is 70.~~
- c) ~~Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:~~
- 1) ~~1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 20(c)(12) of the Act;~~
 - 2) ~~2 photographs 1 1/2" x 1 1/2" taken within the 3 months preceding application;~~
 - 3) ~~Proof of liability insurance as evidenced by a certificate of insurance from the insurer; and~~
 - 4) ~~The required fee(s) specified in Section 20 of the Act.~~

(Source: Amended at 17 Ill. Reg. 1579, effective January 26, 1993.)

Section 1240.50 Renewals

- a) ~~Beginning with the May 1990 renewal, every individual license issued under the Act shall expire on May 31 every three years. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 20 of the Act, providing proof of liability insurance as evidenced by a certificate of insurance from the insurer, and, if applicable, by complying with the provisions of Section 6 of the Act as it pertains to firearm training.~~
- b) ~~Beginning with the May 1990 renewal, Every certificate of registration for an agency and every branch office certificate issued under the Act shall expire on August 31 every three years of each even-numbered year. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.~~
- c) ~~Every application for renewal of an agency certificate of registration shall be accompanied by a complete roster of current employees of that agency. The roster shall be submitted and shall include each employee's name, home address, social security number, permanent employee registration number, basic training number and firearm authorization card number, if applicable.~~

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e) ~~c)~~ Beginning with the May 1991 renewal, Every employee registration card issued under the Act shall expire on May 31 every three years ~~the date specified on the face of the card~~. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

d) It is the responsibility of each licensee and employee registration card holder ~~registrant~~ to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee ~~or to renew one's license~~. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 49-24 of the Act.

f) ~~e)~~ Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:

- 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
- 2) The employee continues to be employed by the agency to which the card was issued.

g) ~~f)~~ No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

(Source: Amended at 17 Ill. Reg. 1579, effective January 26, 1993.)

Section 1240.51 Requests for Duplicate Certificates

a) Requests for duplicate certificates to replace ones ~~which~~ that ~~has~~ have been lost, stolen or destroyed shall be made in writing to the Department, and shall be made by the individuals to whom the certificates ~~was~~ were issued.

b) Any person requesting a duplicate firearm authorization card ~~certificate~~ shall first file a report with the local police authority which specifies the circumstances under which the firearm authorization card ~~certificate~~ was lost, stolen or destroyed.

c) Requests for a duplicate firearm authorization card ~~certificate~~ shall be accompanied by an affidavit, from the person making the request, which specifies the date and with what police authority the above-mentioned police report was filed, and which summarizes the circumstances under which the firearm authorization card ~~certificate~~ was lost, stolen or destroyed. The ~~required~~ fee, as required by Section 20 of the Act, shall also accompany the request.

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d) For purposes of this Section, the word "certificates" shall mean and include the following:

- 1) Individual licenses (Private Detective, Private Security Contractor and Private Alarm Contractor)
- 2) Certificates of Registration for an agency
- 3) Licensee Pocket Cards
- 4) Permanent Employee Registration Cards
- 5) Certification of Completion of Firearm Training
- 6) Firearm Authorization Card.

(Source: Amended at 17 Ill. Reg. 1579, effective January 26, 1993.)

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- 1) Heading of the Part: Real Estate Appraiser Certification
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Numbers: Adopted Action:

1455.10	New Section
1455.15	New Section
1455.20	New Section
1455.30	New Section
1455.40	New Section
1455.50	New Section
1455.60	New Section
1455.70	New Section
1455.200	New Section
1455.210	New Section
1455.300	New Section
1455.310	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, par. 5836.5.
- 5) Effective Date of Rules: January 26, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? Yes, Section 1455.15 Uniform Standards of Professional Appraisal Practice.
- 8) Date Filed in Agency's Principal Office: January 25, 1993
- 9) Date Notice of Proposal Published in Illinois Register: October 16, 1992, at 16 Ill. Reg. 15785.
- 10) Has ICAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version:
There were no substantive changes. Spelling, punctuation and style changes were made in response to comments by the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.
- 13) Will these Rules replace Emergency Rules currently in effect? Yes

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- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Effective January 1, 1993, anyone wishing to perform real estate appraisals under Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amended, must hold a state real estate appraiser's license or certificate. This rulemaking replaces Emergency Rules that allowed the Department of Professional Regulation to start processing applications so that Illinois appraisers can qualify for, and profit from, performing federally related transactions in this State.

This rulemaking sets education and experience requirements and establishes application procedures for a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser and Certified General Real Estate Appraiser. Circumstances are listed under which nonresidents of Illinois can obtain licensure or certification in this State or be issued a temporary appraisal practice permit. Other Sections detail procedures for renewing a license or certificate and list circumstances under which the Director of the Department may grant variances from these rules
- 16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1455
REAL ESTATE APPRAISER CERTIFICATION

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

- Section
1455.10 Definitions
1455.15 Uniform Standards of Professional Appraisal Practice
1455.20 Education and Experience Requirements for State Licensed Real Estate Appraiser
1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
1455.40 Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
1455.50 Examination
1455.60 Nonresident Licensure/Certification
1455.70 Nonresident/Temporary Practice

SUBPART B: EDUCATION PROVIDERS

- Section
1455.200 Approval of Education Providers
1455.210 Fees - Education Providers

SUBPART C: GENERAL

- Section
1455.300 Renewals
1455.310 Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 et seq., as amended by Public Act 87-1193, effective September 24, 1992) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)).

SOURCE: Adopted at 17 Ill. Reg. 1589, effective January 26, 1993.

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section 1455.10 Definitions

Act means the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, pars. 5801 et seq.).

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Appraisal or real estate appraisal means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by purpose into either a valuation or an analysis. A valuation is an estimate of the value of real estate or real property. An analysis is a study of real estate or real property other than estimating value.

Appraisal Administrator or Administrator means the person appointed by the Director, in accordance with Section 36.2a of Article 2 of the Real Estate License Act of 1983, to administer the Illinois appraisal program.

Appraisal Consulting is the act or process of providing information, analysis of real estate data and recommendations or conclusions on diversified problems in real estate, other than estimating value.

Appraisal Qualification Board is a committee of the Appraisal Foundation established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Appraisal Report means any written communication of an appraisal.

Appraisal Standard Board is a committee of the Appraisal Foundation established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Appraisal Subcommittee means the federal Appraisal Subcommittee established by Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. Chapter 34A).

Appraiser or real estate appraiser means any person who inspects, analyzes, or renders an opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation.

Certified General Real Estate Appraiser means a real estate appraiser who holds a current, valid Certified General real estate appraiser's certificate issued under Article 2 of the Act.

Certified Residential Real Estate Appraiser means a real estate appraiser who holds a current, valid Certified Residential real estate appraiser's certificate issued under Article 2 of the Act.

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Committee means the Real Estate Appraisal Committee established in Section 36.3 of the Act.

Department means the Department of Professional Regulation.

Director means the Director of the Department of Professional Regulation.

Federally Related Transaction means any real estate related financial transaction that:

a federal financial institution's regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates and requires the services of an appraiser; or

any other real estate related financial transaction for which a licensed or certified real estate appraiser is required under federal law or regulations.

Federal Financial Institutions Regulatory Agencies (FFIRA) means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision and the National Credit Union Administration.

Mass Appraisals is defined as the process of valuing a universe of properties as of a given date, utilizing standard methodology, employing common data and allowing for statistical testing.

Real Estate means an identified parcel or tract of land, including improvements, if any.

Real Estate Related Financial Transaction means any transaction involving:

- the sale, lease, purchase, investment in or exchange of real property, or the financing thereof;
- the refinancing of real property or interests in real property; or
- the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

Real Property means one or more defined interests, benefits and rights inherent in the ownership of real estate.

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State Licensed Real Estate Appraiser means a real estate appraiser who holds a current, valid real estate appraiser's license issued under Article 2 of the Act.

USPAP means the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Section 1455.15 Uniform Standards of Professional Appraisal Practice

a) The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005, 1992, are hereby incorporated by reference.

b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards.

c) A copy of this publication is available at cost from the Real Estate Appraisal Administrator's office, Department of Professional Regulation, located at 320 West Washington, Springfield, Illinois 62786.

Section 1455.20 Education and Experience Requirements for State Licensed Real Estate Appraiser

a) Education. A total of 75 hours of real estate appraisal courses are required for examination and licensure as a State Licensed Real Estate Appraiser. The 75 hours shall be in courses recommended by the Committee and approved by the Director. Specific hour requirements are mandatory in each of 3 curricula.

1) Courses approved will be assigned to an Illinois (IL) curriculum and classroom hours must be achieved as follows:

- A) Standards of Professional Appraisal Practice--15 hours (IL I).
- B) Basic Principles of Appraisal--30 hours (IL II).
- C) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III).

2) Courses completed prior to January 1, 1993.

- A) Courses completed prior to January 1, 1993, shall be accepted by the Department, upon review and approval of the Committee, if they are substantially equivalent to the courses in Section 1455.200(b). In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200(b).

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B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.

C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) even though the applicant did not participate in the classroom portion of the instruction.

3) All courses completed after January 1, 1993, shall be from course providers approved by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of a final examination.

4) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.

A) One hour of education credit for every one hour of classroom instruction shall be awarded.

B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).

C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.

b) Experience. Experience credit is not required for an applicant to sit for examination or for licensure; but, 500 hours of appraisal experience credit is required for the first renewal of a license following an original issue date of 24 months, or longer.

1) Documentation of the 500 hours of experience shall be submitted on forms provided by the Department. To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience requirement is met; otherwise, it shall be submitted with the renewal application.

2) The 500 hours of experience may be awarded for experience conforming to Section 1455.30(b)(3) through (6).

3) Mass appraisal experience may be submitted in accordance with Section 1455.40(a)(2)(B).

4) The 500-hour experience requirement may be waived by the Director, upon recommendation of the Committee, in accordance with Section 36.11(e)(2) of the Act.

Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

a) Education. A total of 105 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.

1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

A) Standards of Professional Appraisal Practice--15 hours (IL I).

B) Basic Principles of Appraisal--30 hours (IL II).

C) Valuation Procedures for Residential Property--30 hours (IL III).

D) Elective Courses--30 hours (IL E).

i) Hours in excess of the requirement, for courses approved in curricula IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.

2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

A) Standards of Professional Practice--15 hours (IL I).

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- B) Basic Principles of Appraisal--30 hours (IL II).
 - C) Valuation Procedures for Nonresidential Property--30 hours (IL IV).
 - D) Income Approach, Capitalization--30 hours (IL V).
 - E) Elective Courses--60 hours (IL E). (Hours in excess of the requirement, for courses approved in curricula IL II, IL III, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 3) Courses completed prior to January 1, 1993.
- A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of each course submitted to the topic requirements as set forth in Section 1455.200.
 - B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.
 - C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.
- 4) All courses completed after January 1, 1993, shall be from courses and course providers approved by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.
- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
- A) One hour of education credit for every one hour of classroom instruction shall be awarded.

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- B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
- C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:
 - 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.
 - 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
 - 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of appraisal and other experience as follows:
 - A) 20 hours for apartment property with 5-24 units.
 - B) 40 hours for apartment property with more than 24 units.
 - C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
 - D) 20 hours for industrial property with buildings up to and including 25,000 square feet.
 - E) 40 hours for industrial property with buildings over 25,000 square feet.

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- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.
- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.
- P) Teaching Experience. Credit for teaching of Department approved appraisal courses shall not exceed 400 hours.
 - i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;
 - ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.
 - iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).

- iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- v) An applicant may not earn both education and experience credit for teaching the same course.
- Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal industry.
- R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- T) Real Property Management experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).
- 4) Field and review appraisals conducted prior to January 1, 1992, shall:
 - A) Identify and describe the real estate being appraised;
 - B) Contain an indication of highest and best use (analysis)
 - C) Identify the real property interests being appraised;
 - D) Contain a definition of the value being estimated;

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- E) Set forth the effective date of the value estimate and the date of the appraisal report;
- F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions.
- G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions.

H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.

- 5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.

- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in USPAP that were in effect on the date the appraisal was signed.

Section 1455.40 Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser

- a) An applicant for examination/licensure/certification as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall file an application with the Department on forms provided by the Department. The application shall remain valid for one year from the date of submission. The application shall include but not be limited to the following:

- 1) Verification of education (i.e., transcripts, certificates of course completion, official records from provider) as set forth in Section 1455.20 for State Licensed Appraiser and 1455.30 for Certified Residential Appraiser and Certified General Appraiser.

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- 2) Verification of experience. All experience for the Certified Residential and Certified General Real Estate Appraisers shall meet the requirements set forth in Section 1455.30.

A) In accordance with Section 5836.11 of the Act, the applicant shall submit an appraisal log which shall include a general location (e.g., street, subdivision, office file number or parcel number) of the property; city and state location; date of the appraisal report; property type; approximate size of the property land and buildings; the tally of the hours being requested by the applicant; and a certifying statement that the applicant has personally inspected the property or his/her name appears in the appraisal report as having made a significant contribution to the report.

B) An applicant seeking mass appraisal experience shall include with the application his/her affidavit as prescribed in Section 36.11(b)(3) of the Act. The affidavit shall detail the experience being requested by the applicant and provide the following minimum information:

- i) The boundaries of the mass ad valorem tax appraisal/assessment project.
- ii) The number of parcels included in the mass ad valorem appraisal/assessment project.
- iii) The types of property (residential, commercial, industrial) included in the project and the ratio of each.
- iv) The time period in which the mass ad valorem tax appraisal/assessment took place.
- v) The number and type (residential or nonresidential) of properties valued (the analysis and establishment of values) through the cost, income and market sale appraisal techniques.
- vi) The number and type (residential or nonresidential) of reviews and analyses of appraisals employing the cost, income and market sale appraisal techniques.
- vii) The specific address where records pertaining to such mass ad valorem tax appraisals/assessments, ad valorem appraisals or appraisal reviews are filed.
- viii) A certification, in accordance with Section 36.11(b) of Article 2 of the Act.

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- C) The Department may require the applicant to provide selected samples of the appraisals submitted for experience credit.
- 3) A complete work history for a period of five years preceding the application date;
 - 4) The required fee provided for in Section 36.6 of the Act; and
 - 5) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/certified as a real estate appraiser and any location in which the applicant is currently licensed/certified as a real estate appraiser, if applicable, stating:
 - A) The time during which the applicant was licensed/certified and,
 - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.
 - b) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Committee because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure/certification shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Committee or Appraisal Administrator to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
 - c) Upon receipt of the application and all supporting documentation, the applicant's file will be evaluated by the Department. The applicant will be notified in writing of approval to sit for the examination or the reasons the application has been deferred or denied.

Section 1455.50 Examination

- a) The examination administered by the Department or its designated testing service shall be an examination which covers the content of the National Uniform Examination and is approved by the Appraisal Qualification Board.
- b) The passing score on the examination shall be 75.

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- c) The Department shall accept the examination results of an Illinois appraisal candidate who has taken the examination for certification or licensure in another jurisdiction under the following conditions:
- 1) The examination has been approved by the Appraisal Qualification Board.
 - 2) The examination taken in another jurisdiction can only be applied toward an Illinois equivalent appraisal category. If there is no equivalent category, the examination would not be accepted.
 - 3) The examination report is the official test score report from the testing entity.
 - A) The applicant is responsible for obtaining the report from the testing entity and paying any fees to obtain the report.
 - B) The Department will not accept or apply the test results until such time as the applicant is notified of having met all requirements for licensure or certification in Illinois.
 - C) The Department will not issue a license or certificate until receipt from the applicant of the federal fee required by Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

Section 1455.60 Nonresident Licensure/Certification

- a) A license/certification shall be issued without examination to a nonresident real estate appraiser licensed/certified under the laws of his/her home state if:
 - 1) The appraiser applicant is the holder of an active license or certification in his/her home state;
 - 2) The standards of that state for licensing/certifying as a real estate appraiser are substantially equivalent to the minimum standards in Illinois;
 - 3) The real estate appraiser's home state grants reciprocal privilege to real estate appraisers licensed/certified in Illinois; and
 - 4) There is no disciplinary proceeding pending or unresolved against the applicant in his/her home state.
- b) The real estate appraiser shall file an application, on forms provided by the Department, which includes:

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- 1) A statement bearing the seal of the licensing authority in the state in which he/she is licensed/certified, showing an active license/certification as a real estate appraiser;
- 2) A certification of irrevocable consent required by Section 5836.13 of the Act;
- 3) The business address in the state of reciprocity;
- 4) The required fee provided for in Section 36.6(1) and (2) of the Act.

- c) Upon request by the Department, the real estate appraiser shall attest in writing, on forms supplied by the Department, to the fact that the license is active and in good standing and that he/she understands that the reciprocal license is valid only as long as he/she remains a resident of that state and will be invalid on the date his/her home state license/certification is expired, is suspended, is inactive or otherwise not in good standing.
- d) A reciprocal license/certification becomes invalid when the licensee changes his/her residence to Illinois or any other state.
- e) All requirements for licensure by reciprocity shall be met within one year of the date of original application or the application shall be denied and the fee forfeited. Thereafter, to be considered for licensure, such applicant shall file a new application and fee.

Section 1455.70 Nonresident/Temporary Practice

- a) A nonresident appraiser, licensed/certified in another jurisdiction, may apply for a temporary appraisal practice permit by filing with the Department, on an application provided by the Department. The information submitted on the application shall include, but not be limited to, the following:

- 1) The applicant's name, address, social security number, any other such information as might be necessary to identify the applicant.
- 2) A certification from the agency in the applicant's home state of licensure/certification, certifying that the applicant is a duly licensed/certified real estate appraiser in good standing; and, setting forth any discipline taken (or pending) by the agency against the applicant.
- 3) An estimate of the amount of time required to perform the appraisal assignments(s) and a description of the property or properties to be appraised by the applicant.

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- 4) An irrevocable consent that service of process in any action against the applicant that may arise from the applicant's Illinois appraisal activities may be made by delivery of process on the Illinois Appraisal Administrator.
- 5) Such other information as may be necessary to determine the applicant's eligibility for temporary appraisal privileges within the State of Illinois.
- b) Limitations and requirements for temporary appraisal practice are as follows:
 - 1) The temporary practice permit shall be for a period of 60 days from the date of issuance. The permit may not be renewed but may be extended for 30 days upon written request and payment of an extension fee, at least 14 business days prior to the expiration of the original temporary practice permit;
 - 2) Each applicant is limited to 2 temporary appraisal practice permits in any calendar year;
 - 3) The fee for each temporary permit shall be \$80.00, shall accompany the application and is non-refundable. The fee for extension of an appraisal permit is \$80.00, shall accompany the written request for extension and is not refundable;
 - 4) Persons granted temporary appraisal practice permits shall not advertise, solicit or otherwise represent themselves as State Licensed Real Estate Appraisers, Certified Residential Real Estate Appraisers or Certified General Real Estate Appraisers; and
 - 5) Applicants will be required to pay any fee required by the federal government under Title XI of the Federal Institutions Reform, Recovery and Enforcement Act of 1989.

SUBPART B: EDUCATION PROVIDERS

Section 1455.200 Approval of Education Providers

- a) An entity seeking approval as an education provider shall submit an application, on forms provided by the Department, and shall meet the following minimum criteria:
 - 1) The provider shall:
 - A) Maintain a fixed office that is adequate for the maintenance of all records, office equipment, files, telephone equipment and office space necessary for customer service;

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- B) Offer a minimum of one curriculum that conforms to the standards of subsection (b) below;
- C) Administer a mandatory final examination for each course offering;
- D) Provide each student within 21 days of completion of each course a certification of completion, transcript or other document verifying hours of attendance, successful course completion and identifying the course by name and number, if any. In addition, such certificate, transcript or other document shall indicate the provider's address and telephone number, the location and date of the course, and include an authorized signature of the course provider's representative;
- E) Submit the fee set forth in Section 1455.210;
- F) The premises, equipment and facilities of the course site shall comply with all applicable fire, building, zoning, health, safety and accessibility codes and standards;
- G) Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may indicate that the provider and course of study has been approved by the Department;
- H) The course provider shall provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (e.g., cost of retaking a course, current status of licensure, any disciplinary action taken by the Department, attendance requirements); and
- I) Each course provider shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of at least 5 years and shall be available for inspection by the student or by the Department or its designee during regular business hours.

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- 2) The approved provider should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal of the subject matter of the course.
- 3) Colleges and universities
 - A) Colleges and universities which apply as education providers under subsection (a)(1) above shall be accredited by the regional accrediting body and offer either or both an associate's and baccalaureate degree program.
 - B) Colleges and universities will not be required to pay the application fees required by Section 1455.210.
 - C) The approved provider colleges/universities should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.
- b) Required Course Curriculum
 - 1) Standards of Professional Appraisal Practice--15 hours (IL D). This course curriculum reviews USPAP adopted by the Appraisal Subcommittee. Topics are:
 - A) Ethics Provision - USPAP
 - B) Competency Provision - USPAP
 - C) Departure Provision - USPAP
 - D) Standard 1 - USPAP
 - E) Standard 2 - USPAP
 - F) Standard 3 - USPAP
 - G) Standard 4 - USPAP
 - H) Standard 5 - USPAP
 - I) Standard 6 - USPAP
 - 2) Basic Principles of Appraisal--30 hours (IL II). This course curriculum shall include an overview of the appraisal process covering the principles of market and valuation analysis necessary for appraising real property and an introduction to appraisal theory, concepts, techniques and the level of competence required to perform professional appraisal analyses. Topics are:
 - A) Influences on Real Estate
 - B) Real Estate/Real Property/Personal Property
 - C) Real Estate Ownership
 - D) Legal Descriptions

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- E) Types of Value
- F) Economic Principles
- G) Real Estate Markets and Market Analysis
- H) Money and Capital Markets
- I) Real Estate Financing
- J) Valuation Process
- K) Neighborhood Data and Analysis
- L) Site Data and Analysis
- M) Improvement Data and Analysis
- N) Basic Construction and Design
- O) Highest and Best Use Analysis
- P) Sources of Valuation Data
- Q) Accumulation of Valuation Data
- R) Overview of the Three Approaches to Value
- S) Reconciliation and Final Value Estimate
- T) Overview of the Appraisal Report

- 3) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III). This course curriculum shall be designed to provide an understanding and working knowledge of the procedures and techniques required to estimate the market value of residential properties. Emphasis should be placed on the extraction of data and the correct application of the three approaches to real estate valuation. Topics are:

- A) Basic Statistics
- B) Residential Site Valuation - Sales Comparison
- C) Residential Site Valuation - Allocation
- D) Residential Site Valuation - Extraction
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Capitalization Approach - Gross Rent Estimates
- R) Income Capitalization Approach - Gross Rent Multiplier
- S) Income Capitalization Approach - Application
- T) Residential Appraisal Reports

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- 4) Valuation Procedures, Nonresidential Properties--30 hours (IL IV). This course curriculum focuses on the appraisal of nonresidential properties and provides a practical solution for estimating value by an in-depth study of appraisal theory and the development of advanced valuation skills. Topics are:

- A) Basic Statistics
- B) Site Valuation - Sales Comparison
- C) Site Valuation - Allocation/Extraction
- D) Site Valuation - Subdivision Analysis/Other Methods
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Approach - Income Estimates
- R) Income Approach - Expense Estimates
- S) Income Approach - Capitalization Rates
- T) Income Approach - Direct Capitalization
- U) Income Approach - Income Multipliers
- V) Income Approach - Application
- W) Appraisal Reports

- 5) Income Capitalization--30 hours (IL V). Courses in this curriculum are to provide alternative methods of estimating present value based on income forecasts. These courses focus on more advanced capitalization methods and techniques. Topics include:

- A) Six Functions of \$1
- B) Gross Income Estimates
- C) Vacancy and Collection Loss
- D) Operating Expense Estimates
- E) Reserves for Replacement
- F) Operating Statement Ratios and Multipliers
- G) Debt Service/Equity Dividend
- H) Direct Capitalization
- I) Overall Rate Development - Market Extraction
- J) Overall Rate Development - Band of Investment
- K) Overall Rate Development - Ratios/Multipliers
- L) Overall Rate Development - Residual Techniques
- M) Equity Dividend Rate
- N) Debt Coverage Ratio

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- O) Cash Flow Estimates
- P) Reversion Estimates
- Q) Discount and Yield Rates
- R) Yield Capitalization Overview
- S) Discounted Cash Flow Analysis Overview
- T) Lease Provisions, Analysis and Valuation
- U) Lease Analysis
- V) Partial Interest Valuation

6) Courses in the IL E curriculum (electives) are courses with topics that are considered more advanced; and/or cover appraisal topics not covered in the core course curricula.

7) Each course shall be a minimum of 15 credit hours.

8) All courses shall include a final examination.

A) Each final exam for curricula IL II, IL III, IL IV, IL V and IL E (elective) courses shall consist of a minimum of 50 questions. (25 questions per each 15 hours of instruction).

B) The final exam for IL I category courses shall consist of a minimum of 25 questions.

C) The applicant shall pass the examination in order to obtain credit for a course. A passing score shall be a minimum of 70% of examination questions answered correctly.

9) If 80% of the required topics are presented, the course shall be approved for the minimum required hours. If 40% of the required topics are presented, the course shall be approved for 1/2 the minimum hours; for courses in the IL I curriculum 100% of the listed topics must be covered.

10) All changes in course content shall be submitted to the Department for review and evaluation.

11) All courses offered by an approved provider shall be submitted to the Department for reevaluation every 3 years (from date of original approval), along with the \$500 per course approval fee set forth in Section 1455.210(c).

c) Withdrawal of Approval

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1) The Department, upon recommendation of the Real Estate Appraisal Committee, shall withdraw, suspend or place on probation in accordance with 68 Ill. Adm. Code 1110 the approval of the real estate appraiser education provider when the quality of the program fails to continue to meet the established criteria of an approved provider as set out in this Section or upon determination that the decision to approve the program was based upon false or deceptive information.

2) Approval will terminate immediately upon failure to renew. The provider may thereafter reapply for approval as an education provider.

Section 1455.210 Fees - Education Providers

a) The fee for application as a real estate appraiser education provider shall be \$1000, plus \$500 per course which is non-refundable.

b) The fee for renewal of an approved real estate appraiser education provider shall be \$500 per year which is non-refundable.

c) The fee for adding a course pursuant to Section 1455.200 shall be \$500.

d) The fee for reevaluation of a course shall be \$500 and each approved course must be re-evaluated and re-approved every 3 years.

SUBPART C: GENERAL

Section 1455.300 Renewals

a) Every license or certificate issued under the Act as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall expire on June 30 of each odd-numbered year. The holder of a license or certification may renew certification during the month preceding the expiration date by paying the required fee specified in Section 36.6 of the Act.

b) In order to renew a license or certification in 1995, and thereafter, an applicant will be required to comply with the continuing education requirements pursuant to Section 36.17 of the Act.

c) Approved real estate appraiser education providers shall renew December 31 each year by paying the required fee set forth in Section 1455.210(b) of this Part.

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- d) It is the responsibility of each individual holding certification or licensure to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the certification in a timely manner.
- e) A certificate for State Licensed Real Estate Appraiser will not be renewed until the Department has received documentation of 500 hours of experience in accordance with Section 1455.20(b). To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience is met; otherwise, it shall be submitted with the renewal application.

Section 1455.310 Granting Variances

- a) The Director may grant variances from these rules in individual cases where:
- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Real Estate Appraisal Committee in writing of the granting of a variance, and the reasons therefor.

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part:
Hospital Licensing Requirements
- 2) Code Citation:
77 Ill. Adm. Code 250
- 3) Section Numbers:
250.2720
Adopted Action:
New Section
- 4) Statutory Authority:
Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.)
- 5) Effective Date of Amendments: January 25, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: January 25, 1993
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:
16 Ill. Reg. 2016 - February 7, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version:
In Section 250.2720(d)(1), ", experienced in caring for children," was added after "branches".
In Section 250.2720(d)(2), "experienced in caring for children" was added after "physician".
Proposed subsections (B) and (C) of Section 250.2720(f)(2) were deleted.
A new subsection 250.2720(f)(2)(B) was added as follows:

Policies and procedures shall be developed to assess individual children's needs

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and potential infection control implications prior to placing a program participant in a particular room.

In the third sentence of Section 250.2720(g)(1), "include the use of universal precautions," was added after "the policies and procedures shall".

In Section 250.2720(k)(2)(C), the phrase "or special dietary needs" has been added "restrictions".

Section 250.2720(k)(2)(G) was revised to read: "The name and telephone number of the child's pediatrician or family practitioner."

Section 250.2720(l)(5) was deleted and the following language was added to Section 250.2720(l)(1):

In programs located on inpatient pediatric units where staff are shared, a staffing plan must be developed and implemented that provides a patient/staff ratio that ensures appropriate staffing levels to meet the needs of both inpatients and day care participants.

Statutory citations to Section 6.13 of the Act have been corrected.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments:

These amendments to the rules governing the licensure of hospitals add new provisions on day care programs for mildly ill children. The new provisions, which are being added as Section 250.2720, allow hospitals to establish day care programs for mildly ill children and require the Department to establish standards for the operation of these programs.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section
250.110
250.120
250.130
250.140
250.150
250.160

Application for and Issuance of an Initial Permit to Establish a Hospital
Application for and Issuance of a License to Operate a Hospital
Administration by the Department
Hearings
Definitions
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section
250.210
250.220
250.230
250.240
250.250
250.260
250.270

The Governing Board
Accounting
Planning
Admission and Discharge
Visiting Rules
Patients' Rights
Manuals of Procedure

SUBPART C: THE MEDICAL STAFF

Section
250.310
250.315
250.320
250.330
250.340

Organization
Supervision of House Staff Members
Admission and Supervision of Patients
Orders for Medications and Treatments
Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section
250.410
250.420
250.430
250.440
250.450
250.460

Organization
Personnel Records
Duty Assignments
Education Programs
Personnel Health Requirements
Benefits

SUBPART E: LABORATORY

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Section

250.510 Laboratory Services
 250.520 Blood and Blood Components
 250.525 Designated Blood Donor Program
 250.530 Proficiency Survey Program
 250.540 Laboratory Personnel
 250.550 Western Blot Assay Testing Procedures

SUBPART F: RADIOLOGICAL SERVICES

Section

250.610 General Diagnostic Procedures and Treatments
 250.620 Radioactive Isotopes
 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section

250.710 Classification of Emergency Services
 250.720 General Requirements
 250.725 Notification of Emergency Personnel
 250.730 Community or Area wide Planning
 250.740 Disaster and Mass Casualty Program
 250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

250.810 Applicability of Other Parts of These Requirements
 250.820 General
 250.830 Classifications of Restorative and Rehabilitation Services
 250.840 General Requirements for all Classifications
 250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
 250.860 Medical Direction
 250.870 Nursing Care
 250.880 Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910 Nursing Services
 250.920 Organizational Plan
 250.930 Role in hospital planning
 250.940 Job descriptions
 250.950 Nursing committees
 250.960 Specialized nursing services
 250.970 Nursing Care Plans
 250.980 Nursing Records and Reports

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Section

250.990 Unusual Incidents
 250.1000 Meetings
 250.1010 Education Programs
 250.1020 Licensure
 250.1030 Policies and Procedures
 250.1040 Patient Care Units
 250.1050 Equipment for Bedside Care
 250.1060 Drug Services on Patient Unit
 250.1070 Care of Patients
 250.1080 Admission Procedures Affecting Care
 250.1090 Sterilization and Processing of Supplies
 250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

250.1210 Surgery
 250.1220 Surgery Staff
 250.1230 Policies & Procedures
 250.1240 Surgical Privileges
 250.1250 Surgical Emergency Care
 250.1260 Operating Room Register
 250.1270 Surgical Patients
 250.1280 Equipment
 250.1290 Safety
 250.1300 Operating Room
 250.1305 Visitors in Operating Room
 250.1310 Cleaning of Operating Room
 250.1320 Regulations for Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

250.1510 Medical Records
 250.1520 Reports

SUBPART M: FOOD SERVICE

Section

250.1610 Dietary Department Administration
 250.1620 Facilities
 250.1630 Menus and Nutritional Adequacy
 250.1640 Diet Orders
 250.1650 Frequency of Meals

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250.1660 Therapeutic (Modified) Diets
 250.1670 Food Preparation and Service
 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section
 250.1710 Housekeeping
 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
 250.1730 Insect and Rodent Control
 250.1740 Laundry Service
 250.1750 Soiled Linen
 250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section
 250.1810 Applicability of other Parts of these regulations
 250.1820 Maternity and Neonatal Service Regulations (Perinatal Service)
 250.1830 General Requirements for all Maternity Departments
 250.1840 Discharge of Newborn Infants from Hospital
 250.1850 Rooming-In Care of Mother and Infant
 250.1860 Special Programs
 250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section
 250.1910 Maintenance
 250.1920 Emergency electric service
 250.1930 Water Supply
 250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
 250.1950 Grounds and Buildings Shall be Maintained
 250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
 250.1970 Plumbing
 250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section
 250.2010 Definition
 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

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250.2110 Service Requirements
 250.2120 Personnel Required
 250.2130 Facilities for Services
 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section
 250.2210 Applicability of other Parts of these Regulations
 250.2220 Establishment of a Psychiatric Service
 250.2230 The Medical Staff
 250.2240 Nursing Service
 250.2250 Allied Health Personnel
 250.2260 Staff and Personnel Development and Training
 250.2270 Admission, Transfer and Discharge Procedures
 250.2280 Care of Patients
 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care

250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section
 250.2410 Applicability of these Standards
 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
 250.2430 Preparation of Drawings and Specifications -- Submission Requirements
 250.2440 General Hospital Standards
 250.2450 Details
 250.2460 Finishes
 250.2470 Structural
 250.2480 Mechanical
 250.2490 Plumbing and Other Piping Systems
 250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section
 250.2610 Applicability of these Standards
 250.2620 Codes and Standards
 250.2630 Existing General Hospital Standards
 250.2640 Details
 250.2650 Finishes
 250.2660 Mechanical
 250.2670 Plumbing and Other Piping Systems
 250.2680 Electrical Requirements

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SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section
250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section
250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program
Classifications
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

ILLUSTRATION A Seismic Zone Map
APPENDIX A Codes and Standards (Repealed)
EXHIBIT A Codes (Repealed)
EXHIBIT B Standards (Repealed)
EXHIBIT C Addresses of Sources (Repealed)

TABLE A Measurements Essential for Level I, II, III Hospitals
TABLE B Sound Transmission Limitations in General Hospitals
TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.)

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7035 and 7038, effective June 17, 1982; amended at

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7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993.

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section 250.2720 Day Care for Mildly Ill Children

a) General Description

- 1) A hospital may provide a program for the temporary custodial care of mildly ill children in accordance with the requirements of this Section. (Section 6.13 of the Act)
- 2) The purpose of a day care program for mildly ill children is to provide a short-term day care alternative for children who, because of mild illness, cannot participate in their usual daily routine and whose parent or guardian cannot stay home with them. Children who participate in a day care program for mildly ill children are not considered hospital patients and are not required to be under the professional care of a member of the hospital's medical staff except in those cases where emergency medical treatment is needed during the time the child is on the program premises. (Section 6.13(b) of the Act)

- b) For the purposes of this Section, "mildly ill" or "mild illness" means a temporary medical condition which does not require in-patient hospital treatment, but which makes a child unable to attend school, renders participation in normal day care arrangements impracticable, or excludes a child from attendance at a day care center or home licensed by the Department of Children and Family Services [see 89 Ill. Adm. Code 406.14(d), 407.18(e), 408.60(e), and 408.70(b)]. (Section 6.13 of the Act)

c)

- 1) Each hospital offering a day care program for mildly ill children shall develop written policies and procedures to govern the operation of the program. The hospital shall consider the rules of the Department of Children and Family Services on day care programs (89 Ill. Adm. Code 407) in the development of the policies and procedures.

- 2) Policies and procedures governing the registration of children

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into the program, the conditions under which children will be referred for medical treatment, and the provision of emergency medical treatment shall be reviewed and approved by the medical director of the program or by another physician licensed to practice medicine in all its branches.

d) Program Administration

- 1) The program shall designate a physician licensed to practice medicine in all its branches, experienced in caring for children, who will serve as the medical director of the program.
- 2) The program shall be supervised by a registered nurse or a physician experienced in caring for children.

e) Registration and Initial Evaluation

- 1) The program shall have a policy for the registration of mildly ill children into the program. The policy shall include at least the following requirements:

A) The program shall collect background information concerning the child prior to accepting a sick child into the program, including the information required under subsections (k)(1) and (2) of this Section.

B) The registration procedures shall be designed to provide the program with sufficient information to enable the parent or guardian and the program staff to make decisions or act on behalf of the child while at the program.

- 2) A preliminary evaluation of the condition of the mildly ill child shall be made by a registered nurse or physician affiliated with the program before the child is brought to the program. The preliminary evaluation shall consist of the parent's or guardian's reporting the child's symptoms to the program's designated personnel by telephone. A determination shall be made at that time as to whether the parent or guardian may bring the child to the program for on-site evaluation.

- 3) An on-site evaluation must be performed by a physician or registered nurse affiliated with the program. The evaluation which takes place at the program premises shall include the following:

A) An assessment of the child's physical condition, including current medications.

B) An assessment of the probable contagion and risk to the health of other individuals present.

C) An assessment of the ability of the program to provide the services that the child requires.

- 4) The program personnel evaluating the child shall determine whether a mildly ill child may be registered.

5) The registration and evaluation process must be followed each day the parent or guardian wishes to register a child into the program.

- 6) Program staff must report cases of suspected child abuse and communicable disease cases in accordance with current reporting requirements of the Department of Children and Family Services

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(89 Ill. Adm. Code 300) and the Department (77 Ill. Adm. Code 690).

f) Facility and Equipment Requirements

- 1) A day care program for mildly ill children shall be located on the hospital's licensed premises. (Section 6.13 of the Act)
- 2) Programs which are located in an area where patients are also present shall meet the following requirements:

A) Children in the program shall not simultaneously occupy the same room as a hospital patient. (Section 6.13(a)(1) of the Act)

B) Policies and procedures shall be developed to assess individual children's needs and potential infection control implications prior to placing a program participant in a particular room.

- 3) Toilets and handwashing sinks must be within or immediately adjacent to the room or rooms used for day care for mildly ill children.

g) Infection Control

1) The program shall have written infection control and isolation policies and procedures. The policies and procedures shall specify medical conditions which will exclude children from participation in the program. The policies and procedures shall include the use of universal precautions, comply with the hospital's infection control policies and be reviewed and approved by the individual responsible for the hospital's infection control program.

2) Children in the program who are recovering from non-contagious conditions shall be cared for in a room separate from children registered in the program who have contagious conditions. (Section 6.13(a)(2) of the Act)

3) Programs which accept children with contagious conditions must separate children with different contagious conditions in accordance with the hospital's infection control policies.

4) If a hospital also operates a day care center licensed by the Department of Children and Family Services, children registered in the day care program for mildly ill children shall not simultaneously occupy the same rooms used by well children.

h) Activities

1) Each program shall provide activities which are available to children registered in the program. The activities shall take into account the educational and developmental needs of program registrants.

2) Children in the program shall be permitted to participate in activities which are appropriate to the level of illness and age of each child.

i) Food Services. Well-balanced meals and snacks must be offered at appropriate times throughout the day. Menus shall be modified to meet the individual needs of each child as necessary.

j) Medication Administration

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1) Medication which is brought to the program for a child by the child's parent or guardian may be administered to the child in the program in accordance with the following requirements:

A) The program shall maintain a record of the dates, hours, dosages, and the name of the person administering the medication.

B) Prescription medications shall be labeled with the child's name, directions for administering the medication, the date, the physician's name, the prescription number, and the dispensing drug store or pharmacy. (Section 6.13(c)(1) of the Act)

C) Only current prescription medications shall be administered by the program. (Section 6.13(c)(1) of the Act)

D) The medications shall be administered as required by the child's physician, subject to the receipt of appropriate releases from the parent or guardian, which shall be on file for each child for the administration of any and all prescribed medications.

E) Written parental permission shall be obtained before non-prescription medication is administered. Such medication shall be administered in accordance with package instructions. (Section 6.13(c)(2) of the Act)

F) Medications shall be kept in locked cabinets or containers which are in an area well-lighted and out of reach of children even if medications must be refrigerated.

G) Medications shall only be administered by individuals who are authorized by the hospital's policies to administer medications as required by Section 250.2140(c)(6).

2) The requirement that no medication shall be administered except on the written order of a member of the medical staff (Section 250.330(a)) shall not apply to day care programs for mildly ill children. Program staff may administer medication prescribed by any licensed professional who is permitted by law to do so, whether or not the professional is a member of the hospital's medical staff. (Section 6.13(c)(1) of the Act)

k) Records. A record shall be maintained for each child registered in the program and shall include each of the following items:

1) Parent or guardian information:

A) Names, home addresses, and home telephone numbers.

B) Employers, work addresses, and work telephone numbers.

C) Telephone numbers where the parent or guardian can be reached.

D) Name, address, and telephone number of a person to be notified in an emergency, if the parent or guardian cannot be reached.

E) Names of persons authorized to remove the child from the program, if other than the parent or guardian.

2) Child information:

A) Name, address and telephone number.

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B) Birth date.

C) Medical history, including any known allergies, any diet restrictions or special dietary needs, and proof of immunizations.

D) Current health status.

E) Any prescription and non-prescription medications taken by the child during the previous 24 hours.

F) Any special instructions.

G) The name and telephone number of the child's pediatrician or family practitioner.

3) Signed consent forms from the parent or guardian, authorizing the program to take the following actions:

A) Care for the child in accordance with the program's policies and procedures.

B) Care for the child in accordance with any special instructions given by the parent or guardian which do not conflict with the program's policies and procedures.

C) Administer medication, including prescription and non-prescription drugs.

D) Provide emergency medical treatment.

4) Daily record for each day the child actually spends in the program, including:

A) A description of the evaluation of the child at the time the child is brought to the program premises.

B) A record of the services the child received while at the program, including any medications administered.

C) Periodic assessment of the child's health status while at the program.

l) Staffing

1) The program shall develop a staffing plan which assures the safety, comfort and effective care of children during all times the program is in operation. Both the numbers and training of staff shall be included in the staffing plan. In programs located on inpatient pediatric units where staff are shared, a staffing plan must be developed and implemented that provides a patient/staff ratio that ensures appropriate staffing levels to meet the needs of both inpatients and day care participants.

2) A registered nurse must be available at all times the program is in operation.

3) Written job qualifications and descriptions must be prepared for all personnel involved with the program.

4) Program staff must have training in the care of ill children and in normal child development. Such training may be provided by the hospital.

m) Emergency Medical Treatment

1) The program shall have written policies and procedures governing the provision of emergency medical treatment to children registered in the program who become seriously ill.

2) Emergency medical treatment shall be available at all times the

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program is open for operation.

(Source: Added at 17 Ill. Reg. 1614, effective January 25, 1993)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation 11 Ill. Adm. Code 1413
- 3) Section Number: 1413.150 Adopted Action: Amendment
- 4) Statutory Authority: ILCS 1992, ch. 230, sec. 5/1 et seq.
- 5) Effective Date of Rule: January 26, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: January 26, 1993
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 13218 - August 28, 1992.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: In the table of contents, Section 1413.100 Limitations on Entries was added; and, the title of Section 1413.114 was corrected to read "Coupled as Entry". The main source note was corrected to read "p. 251" for the February 20, 1980 entry. The statutory citation was changed to read ILCS 1992, ch. 230, sec. 5/1 et. seq., in the Authority note. The register citation was changed from "16" to "17" in the main source note and the section source note.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This rule increases the number of also eligibles for turf racing to eight to ensure for full fields in the event of scratches.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
 (THOROUGHBRED)

PART 1413
 ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48 Hour Entries - Passed 6/11/73
1413.46	Also Eligibles Under 48 Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Received Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitation on Entries
1413.114	Coupled As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

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AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Racing Act of 1975 (ILCS 1992, ch. 230, ch. 230, sec. 5/1 et seq.)

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p.251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993.

Section 1413.150 Number of Entries

A list of names not to exceed six shall be drawn from the overflow entries and listed as eligible to start if originally carded horses are withdrawn. For turf racing, the also eligible list shall not exceed eight. After regularly carded horses have been excused from a race, a new drawing shall be taken from horses on the also eligible list and order of eligibility and post positions shall be determined by the sequence in which they are drawn. If the conditions of a stakes race specify otherwise, those conditions shall govern and this rule shall not apply.

(Source: Amended at 17 Ill. Reg. 1628, effective January 26, 1993)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3) Section Numbers: Adopted Action:

1650.210	Amendment
1650.230	Amendment
1650.240	Amendment
1650.290	Amendment
1650.330	Amendment
1650.340	Amendment
1650.370	Renumbered
1650.410	Amendment
1650.450	Amendment
1650.460	New
1650.510	Amendment
1650.520	Amendment
1650.570	Amendment
1650.620	Amendment
1650.630	Amendment
1650.640	Amendment
1650.650	Amendment

4) Statutory Authority: Ill. Rev. Stat., 1991, ch. 108 1/2, pars. 16-106; 16-118; 16-121; 16-125; 16-127; 16-130; 16-133; 16-136; 16-149; 16-149.1; 16-149.2; 16-150; 16-151; 16-153.2; 16-155; 16-168; 16-192.

5) Effective Date of Rule(s): January 22, 1993

6) Does this rulemaking contain an automatic repeal date? NO

7) Does this rule contain incorporations by reference? NO

8) Date Filed in Agency's Principal Office: November 17, 1992

9) Notice of Proposal Published in Illinois Register:
August 7, 1992, 16 Ill. Reg. 12384

10) Has JCAR issued a Statement of Objections to these rules? NO

11) Differences between proposal and final version?

At the suggestion of the Administrative Code Division of the Secretary of State's Office, the following changes were made:

- Changed actions for sections 1650.370 and 460 to "Renumbered", and changed headings in text to reflect same; deleted the word "Repealed"

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from the heading of Section 1650.530.

- Updated all statutory citations to "1991".

- Moved the labels (i) and (ii) from within the text in Section 1650.210 (c)(3), (d) and (e)(2) to the next indent level; inserted the word "above" following the reference to "subsection (e)" and changed the word "this subsection (f)" to "this subsection"

- In section 1650.290(b)(2), changed the words "paragraph (3) of this subsection (b)" to "subsection (b)(3) below"; changed the words "subparagraphs (1)(A) through (1)(C) of this subsection (b)" to "subsections (b)(1)(A) through (b)(1)(C) above"; and, the wording "paragraph (2) of this subsection (b)" in subsection (b)(3)(A) has been changed to "subsection (b)(2) above".

- In section 1650.370, the wording "(Repealed) (moved to Subpart E)" was changed to "(Renumbered)".

- Changed the wording in Section 1650.450(b)(6) from "(b)(1) through (b)(5) of this subsection" to "subsections (b)(1) through (b)(5) above; deleted the old source note and replace with a current blank source.

- In Section 1650.460, Section number 1650.370 in the heading has been overstricken, and "(moved to Subpart D)" has been replaced with "(Renumbered)". Deleted the underlining in the text and changed the Section source note.

- In Section 1650.650(i), changed "this Section 1650.460" to "this Section".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? YES

13) Will this rule replace an Emergency Rule currently in effect? NO

14) Are there any amendments pending on this Part? NO

15) Summary and Purpose of Rules:

1650.230 Amends statement of standards for substantiating continued eligibility for disability, occupational disability, and disability retirement benefits. Clarifies definition of gainful employment.

1650.240 Adds specific provisions for re-crediting service credit canceled by refund. Adds provisions for treatment of refunds not in accordance with Section 16-151.

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1650.290 Adds specific provisions to govern collection of overpaid benefit amounts. Addresses differences in procedures required by the distinct status of the overpayment recipient -- whether (a) an ongoing benefit recipient, (b) a former benefit recipient who is currently a contributing or inactive member, (c) a deceased benefit recipient, or (d) any case where offsets against future benefits are not available because no future benefits are payable.

1650.570 Amends survivors benefits standards by referencing offset/collection procedures specified in Section 1650.290 above.

1650.620 Amends rules governing Administrative Review procedures to allow for hearing by Claims Hearing Committee rather than full Board.

1650.330 Amends duplicate service credit provisions to make exception for those receiving military service allotments as well as Social Security benefits. Refers to offset/collection provisions in 1650.290 (above) for benefits paid over and above limits contained in this subsection.

16) Information and questions regarding this adopted rule shall be directed to:

1650.340 Amends two subsections to conform with 1991 legislation amending Section 16-127(b)(5): return to teaching after leave of absence is satisfied by establishing credit under State Universities' Retirement System as well as TRS; sets criteria for obtaining service credit for periods of involuntary layoffs.

Joan T. Hancock, General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253
Telephone: (217) 753-0375

The full text of the Adopted Amendments begins on the next page:

1650.370 This section (calculation of average salary) is simply moved from subpart governing "membership and service credits" to subpart governing "contribution credits and payments." See Section 1650.460 below.

1650.410 Clarifies provisions governing refunds for duplicate service, to show that noncreditable service as well as duplicate service results in a refund, and that the refund can be made not only at retirement to the member, but also at death to the member's beneficiaries.

1650.450 Amends salary rule as to deferred compensation.

1650.460 Shows the addition of a section, but the section is actually only moved from subpart governing membership and service credits to subpart governing contribution credits and payments. See Section 1650.370 above.

1650.510 Amends rule concerning re-entry to conform with 1991 legislation, changing "semester" to "year."

1650.520 Adds statutory reference for clarity (to clarify that those in receipt of disability retirement are not covered); changes "term" to "year" to conform with the 1991 legislation.

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1650.810 Parliamentary Procedure

AUTHORITY: Implementing and authorized by Sections 16-106, 16-118, 16-121, 16-125, 16-133, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-168 and 16-192 of the Illinois Pension Code (Ill. Rev. Stat. 1991, Ch. 108 1/2, pars. 16-106, 16-118 16-121, 16-125, 16-133, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155 and 16-168 and 16-192).

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993.

SUBPART C: FILING OF CLAIMS

Section 1650.210 Claim Applications

- a) Any individual claiming a retirement annuity, a disability retirement annuity, a survivor benefit, a disability benefit or an occupational disability benefit shall file an application therefor in the form prescribed by the System. This application, together with the membership record, and such other information as may have been compiled during the membership of the member or submitted by the applicant shall constitute the complete record forming the basis of the claim. An application for survivor benefits shall be accompanied by a certified copy of the death certificate, other public record of death, or a physician's certificate. The applicant for a survivor benefit shall furnish proof of heirship, such as a court order or affidavit of heirship.
- b) When 90 or more days have elapsed subsequent to the commencement of a member's disability, oral or written notification of the disability shall be deemed sufficient to commence accrual of benefits. Provided, however, if the System fails to receive the documentation required by Section 16-149 or Section 16-149.1 of the Act within six months of the initial notification no benefits will accrue until that documentation is received by the System.
- c) Disability benefits become payable the later of:
 - 1) The 31st calendar day after commencement of absence due to disability;
 - 2) Upon exhaustion of the member's sick leave or (if sick leave not paid by employer) when the sick leave would have been exhausted had the member been paid; or
 - 3) The date the System receives notification of disability if more than 90 days after commencement have elapsed from the later of:
 - i) Commencement of disability; or

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- ii) the last day for which salary (including sick leave pay) is payable, whether or not these days are actually paid.
- d) When an individual claiming disability benefits is employed under an agreement for less than 12 full months, neither the 31-day waiting period nor the utilization of sick leave requirement, as contained in subsection (c) above, is satisfied during periods not covered by the agreement. For purposes of granting disability benefits it will be presumed that all employment agreements cover one full school term and are automatically renewable at the commencement of the next school term. Satisfactory evidence must be presented of an employment agreement covering a longer period than a full school term (e.g., 10, 11 or 12 months). Satisfactory evidence will consist of a written statement from the employer.
- e) Occupational disability benefits become payable the later of:
 - 1) The day after the last day for which salary (including sick leave pay) is payable, whether or not these days are actually paid; or
 - 2) The date the System receives notification of disability if more than 90 days after commencement; or Upon the exhaustion of the member's sick leave or when the sick leave would have been exhausted had the member been paid have elapsed from the later of:
 - i) the commencement of the disability; or
 - ii) the last day for which salary (including sick leave pay) is payable, whether or not these days are actually paid.
- f) When an individual claiming occupational disability benefits is employed under an agreement for less than 12 full months, the utilization of sick leave requirement in subsection (e) above is not satisfied during periods not covered by the agreement. The same presumptions and evidentiary requirements regarding the terms of the employment agreement will be applied under this subsection as under subsection (d) above.
- g) Receipt by the System of an application for a retirement annuity and any outstanding payments terminates membership in the System. The death of an applicant is deemed to be a death-out-of-service death out of service when calculating survivor benefits.
- h) A member may request, in writing, a transfer from a disability benefit to a disability retirement annuity prior to the expiration of the eligible period for disability benefits. The effective date of the disability retirement annuity shall be the first of the month following receipt of the request. A member receiving a disability retirement annuity may, any time after becoming eligible for age retirement, request in writing a transfer to an age retirement annuity. The effective date of the age retirement annuity will be the first day of the month following receipt of the written request for such transfer.
- i) Whenever a member resumes teaching after receipt of because of employment becomes ineligible to receive a disability benefit, disability retirement annuity or occupational disability benefit but

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is subsequently disabled for the same cause within 90 days, benefits shall be reinstated at the previous rate upon written application. Benefits will commence the day following the last day the member is paid-by-his-or-her-employer eligible to receive salary. If more than 90 days have elapsed, benefits shall be reinstated based on the member's most recent annual contract salary rate as a teacher at the time the benefit becomes payable.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.230 Medical Examinations and Investigations of Claims

- a) Each member seeking a disability benefit, occupational disability benefit, or a disability retirement annuity shall provide the System with written reports by two or more licensed and practicing physicians certifying that the member is disabled and unable to properly perform the duties of his or her position. Provided, however, in the case of disability due to pregnancy, the member shall provide the System with a written report by one licensed and practicing physician certifying that she is disabled and unable to perform the duties of her position.
- b) In order to substantiate the member's or the annuitant's continued eligibility for a disability benefit, occupational disability benefit, or a disability retirement annuity, the System shall require that the member or annuitant submit to additional medical examinations and shall request hospital records; Department of Employment Security earning statements; Social Security benefit payment information; income tax records; and other pertinent information, under the following circumstances:
 - 1) There is disagreement among examining physicians;
 - 2) The medical examinations were inadequate to substantiate continued disability. A medical examination is considered inadequate when:
 - A) a report is incomplete; or
 - B) a report was not completed within the last three months; or
 - C) the duration of disability is shorter than the period between the date of the medical examination and the date of the submittal of the report.
 - 3) There is evidence an impartial medical examination was not performed. An impartial medical exam is not performed when the physician is:
 - A) related to the teacher; or
 - B) a friend of the teacher.
 - 4) There is a reasonable basis to believe the member is no longer disabled. A reasonable basis exists when:
 - A) the System receives **statements-by-third-parties** information that the teacher was engaged in activities which would be prohibited by his or her stated disability; or

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- B) the System receives inquiries by teachers receiving a disability benefit, disability retirement annuity or occupational disability benefit regarding the work which they may perform.
- 5) The member is found to be gainfully employed. The term "gainfully employed":
 - A) shall be construed to mean:
 - i) any compensation which exceeds \$500 in any month for personal services, including fees, wages, salary, commissions, and similar items; and
 - ii) any income which exceeds \$500 in any month derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income; and
 - B) shall be computed on a gross rather than net basis (i.e., no deduction of any kind, including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation); and
 - C) shall be computed either on a monthly or on an annual basis; that is: more than \$500 compensation earned in a month results in a loss of eligibility for that month; more than \$6,000 compensation earned in a year results in loss of eligibility for that year.
- c) Members or annuitants in receipt of a disability benefit or occupational disability benefit shall be requested to submit to medical examinations at least once each year. When a disability benefit terminates, and a member requests retirement on a disability retirement annuity, the member shall submit to a medical examination, unless the member was examined within the preceding six months, in which case no new medical examinations are required.
- d) The System retains the right to require members or annuitants to submit to medical examinations by physicians selected by the System, at its own expense. These examinations may be in addition to the written reports tendered by the member or the annuitant. Such examinations shall be required when prior medical examinations were inadequate, when there is a question regarding the independence of the physician or when the forms are not completed properly or there is a reasonable basis to believe the member is no longer disabled (based on the factors set out in subsection (b)(4) of this Section).
- e) Failure of a member or an annuitant to submit to medical examination, or to provide the information required pursuant to Sections 16-149 through 16-149.2 of the Act shall result in suspension of payments.
- f) The term "licensed physician" means any individual licensed by the State in which they practice as a medical doctor. All licensed physicians shall be requested to submit their registration number on all reports submitted to the System.

(Source: Amended at 17 Ill. Reg. 1631, effective

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Section 1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

- a) Any member eligible to receive a refund of contributions pursuant to the provisions of Section 16-151 of the Act shall, if he or she so elects, make a written request therefor upon a form prescribed by the System. A refund is deemed accepted and membership in the System terminates upon the cashing of a refund warrant or the escheat of a warrant.
- b) To be credited toward the calculation of a retirement annuity, survivors benefit, or disability benefit, the service canceled by such refund must have been re-established in accordance with the provisions of the Act, by repayment of the refund in full, including statutory interest, prior to the member's retirement, death, or commencement of disability benefits.
- c) Whenever the System determines that there has been a refund not in accordance with the provisions of the Act (an "impermissible refund"), whatever the reason, it shall record such refund as an optional service receivable, with interest at the statutory rate accruing on any unpaid balance from date of refund until date of repayment, and shall notify the member of the amount due.
- d) A member who received an impermissible refund, who does not wish to re-establish the service canceled thereby, may retire without paying the amount due but is barred from making repayment and adding the service credit after retirement.

(Source: Amended at 17 Ill. Reg. 1631, effective
January 22, 1993)**Section 1650.290 Offsets**

- a) Benefits received by a member under the Workers' Compensation Act (Ill. Rev. Stat. 1989/1991, ch. 48, par. 138.1 et seq.) or the Workers' Occupational Diseases Act (Ill. Rev. Stat. 1989/1991, ch. 48, par. 172.36 et seq.) with respect to a disability shall be applied as an offset against any occupational disability benefit provided by the System with respect to the same accident, illness or disease.

1) If the amount of compensation received is less than the monthly benefit provided under the Illinois Pension Code, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the System. If the amount of compensation received equals or exceeds the monthly benefit provided under the Illinois Pension Code, no benefit shall be payable by the System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.

- 2) If the compensation for disability or death is received in a

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commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act.

- 3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

- 4) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

- 5) An offset shall not be applied to medical expenses paid on behalf of or to the claimant.

- b) Whenever the System determines benefits other than a refund of contributions under Section 151 of the Act should not have been paid have been paid erroneously or in an excess amount, for any whatever the reason, it shall require the recipient to pay the full amount due in one payment, or to repay the amount due within a period of time and according to terms negotiated by the parties considering whether fraud or error resulted in the payments, the financial ability of the recipient, and the life expectancy of the recipient; record such payment as an overpayment and notify the payee or other person from whom repayment is expected of the amount due. For any overpayment exceeding \$25, the System shall establish a receivable on the books of the System, with interest to accrue at the statutory rate beginning on the first day of the month following 30 days from date of notification by the System, to be collected in accordance with the following criteria:

- 1) Overpayment to benefit recipient. The amount owed must be repaid to the System in a lump sum or by offset against monthly benefits; however, the payment schedule shall not exceed sixty months. Minimum monthly payments will be set according to the following scale based on monthly benefit level:

A) If the benefit recipient's gross monthly benefit is \$1,000 or less, the minimum monthly payment by offset is equal to 5% of the gross;

B) If the benefit recipient's gross monthly benefit is more than \$1,000 but less than \$2,501, the minimum monthly payment by offset is equal to 7.5% of the gross;

C) If the benefit recipient's gross monthly benefit is \$2,501 or more, the minimum monthly payment by offset is equal to 10% of the gross.

- 2) Overpayment to current contributing or inactive member. The amount owed must be repaid in a lump sum, in monthly payments by check or money order, or by offset against future benefits payable to the overpaid individual (unless the overpayment is required to be collected from the individual's beneficiaries, in

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which case it will be collected according to the terms of subsection (b)(3) below). If by offset against the overpaid individual's future benefits, at the time the benefits become payable the minimum monthly payments will be determined according to the scale and schedule set forth in subsections (b)(1)(A) through (b)(1)(C) above.

3) Overpayment to benefit recipient now deceased, to be collected from beneficiaries.

A) If the beneficiary is the recipient of monthly benefits, the amount owed must be repaid in the same manner, involving the same payment options, as the schedule of repayments for overpaid contributing or inactive members, set forth in subsection (b)(2) above; provided, however, that no payment schedule may exceed the projected life of the benefit entitlements. For example, if the beneficiary is a minor child, the repayment must be completed before the beneficiary reaches majority.

B) If the beneficiary is the recipient of a lump-sum benefit only, the System will impose a full offset, up to and including, if necessary, the full amount of the lump-sum benefit.

4) Overpayment to nonmember or in any other situation in which no future benefits are available or the future benefits are insufficient for a full repayment of the overpaid amount. The System will pursue collection through any available means, including seeking the assistance of the Attorney General, the Debt Collection Bureau, or private collection agencies.

5) In any cases in which fraud is suspected in connection with an overpayment, the System will enlist the aid of the Attorney General or such law enforcement agency or prosecutor having appropriate jurisdiction for a determination whether fraud has occurred, and, if it has, for further official action as necessary and appropriate.

c) ~~Whenever any annuitant or beneficiary dies owning money to which the annuitant or beneficiary was not entitled, the System shall offset any account receivable against any survivor benefits payable as a result of the annuitant's or beneficiary's death.~~

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.330 Duplicate Service Credit

a) Credit will be denied those members who elect to receive or have received a monthly retirement allowance based on the same service used for pension purposes in another public, statutory retirement system other than Social Security or a military retirement allotment.

b) When it is established by receipt of written certification from a

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prior employer or another retirement system that an annuitant has used service credited in this System for pension purposes in another public, statutory retirement system, the duplicated credit will be removed from his or her record in this System, and his or her retirement allowance will be reduced accordingly. The System shall assert an offset in accordance with the provisions of Section 1650.290(b) for any additional benefits paid as a result of such over payment, against future benefits to be paid the annuitant or his or her beneficiaries.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.340 Service Credit for Leave of Absence, or Sabbatical Leaves, or Involuntary Layoffs

a) Service credit for sabbatical leave shall be granted when the leave meets the requirements of sabbatical leave according to Section 24-6.1 of The School Code (Ill. Rev. Stat. 1989-1991, ch. 122, par. 24-6.1).

b) For purposes of granting service credit for an approved leave of absence, the statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities' Retirement System for at least the lesser of the creditable period of the leave or one year.

c) For purposes of this Section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its board took official action to approve the request for leave.

d) For purposes of this Section, involuntary layoffs shall not include dismissals for cause or other performance-related reasons. The statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities' Retirement System for at least the lesser of the creditable period of the layoff or one year.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.370 Calculation of Average Salary (Renumbered)

(Source: Section 1650.370 renumbered to Section 1650.460 at 17 Ill. Reg. 1631, effective January 22, 1993)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Refunds for Duplicate or Noncreditable Service

a) In the event contributions to the System are made in error for service

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covered by another public employee pension system in Illinois, a refund of such contributions shall be made.

- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be noncreditable (for example, when the member's service record at retirement or death causes the optional service to be excess service, based on the statutory limits on the allowed proportion of out-of-system to regular service), then a refund of contributions for such service shall be paid to the member or the member's beneficiaries. Regular interest as defined in Section 16-112 of the Act shall be paid for the period from the date of payment of contributions for optional teaching service to the end of the month in which the refund is processed.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.450 Definition of Salary

- a) Any emolument of value recognized by the System that is received, actually or constructively, by a member in consideration for services rendered as a teacher, within all applicable limits and restrictions on qualified pension plans contained in the Internal Revenue Code, 26 U.S.C., at Section 401(a) et seq. Subsection (b) of this Section lists the more common elements of compensation that are recognized by the System as "salary," for purposes of illustration. For further illustration, subsection (c) mentions several examples of items not recognized by the System as "salary." However, "salary" within the meaning of Section 16-121 of the Act is not limited to the items so enumerated.

- b) Examples of salary amounts to be reported to the System include:

- 1) The gross amount of wages or compensation earned or accruing to the member during the legal school term or the length of his or her employment agreement, whichever is greater, in a function requiring certification as a teacher, and payable by the employer at termination of service;
- 2) Wages or compensation for overtime or extra service;
- 3) The amount payable, exclusive of court costs, attorney's fees and punitive damages, as a result of a settlement or judgment obtained due to a disputed dismissal, suspension or demotion; provided that the salary amount reported to the System under this subsection shall be equal to that which the member would have earned had the dispute not occurred;
- 4) Severance pay (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) received by member or becoming due and payable to member prior to or concurrent with receipt of final paycheck for regular earnings;
- 5) Contributions made by or on behalf of the member to deferred

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compensation plans, salary reduction plans or tax sheltered annuities; and

- 6) Amounts that would otherwise qualify as salary and wages under ~~(b)(1)-(b)(5)~~ ~~of this subsection~~ subsections (b)(1) through (b)(5) above but are not received directly by the member because they are used to finance benefit options in a flexible benefit plan; provided, however, that to be reportable, a flexible benefit plan must be available to all teachers on a non-discriminatory basis and cannot include non-qualifying deferred compensation.

- c) Examples of amounts not to be reported to the System include:

- 1) Any severance payment (e.g., retirement incentives, lump sum bonuses, payments for unused vacation and sick days) becoming due and payable to member subsequent to receipt of final paycheck for regular earnings;
- 2) Any lump sum payment made after the death of the member;
- 3) Expense reimbursements, expense allowances, or fringe benefits unless included in a reportable flexible benefit plan;
- 4) Any monies received by the member under the Workers' Compensation Act or the Workers' Occupational Diseases Act;
- 5) Any amount paid in lieu of previously nonreportable benefits or reported in lieu of previously non-reported compensation where the conversion occurs in the last years of service and one of the purposes is to increase a member's average salary. If the member's non-creditable or non-reported compensation in any of the last seven creditable school years of employment exceeds that of any other subsequent year, the System will presume the difference, unless resulting from the terms of a collective bargaining agreement, to have been converted into salary and wages in the subsequent year for the purpose of increasing final average salary. To overcome the presumption, the member must submit documentary evidence to the System which clearly and convincingly proves that none of the purposes of the change in compensation structure was to increase average salary (for example, collectively bargained agreements, change of employer, change in family status);
- 6) Any amount paid by an employer as the employer's one time contribution (or on behalf of the employee as the employee's one-time contribution) required by the System as part of the statutory early retirement option in Section 16-133.2 of the Act; and
- 7) Options to take salary in lieu of employment-related expense allowances or reimbursements.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.460+650:370 Calculation of Average Salary

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- a) The member's annual salary rate shall be used by the System when calculating average salary. Provided, however, if a member receives less than one year of service credit in any school year, salary shall consist of creditable earnings.
- b) The highest four consecutive school years of service within the last ten years of creditable service shall be deemed the four highest consecutive credit years posted to the member's account. Provided, however, if a member is credited with less than one school year, the System shall use partial consecutive years to establish four consecutive years of salary.

(Source: Section 1650.460 renumbered from Section 1650.370 at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.510 Re-entry Into Service

Annuitants returning to service and who on subsequent retirement were subject to but did not acquire the necessary three years' contributing service:

- a) are entitled to pensions at rates or according to formulas in force at the date of their previous retirement, plus additional credit if such credit constitutes at least one creditable year;
- b) are required to repay any pension benefits received if resumption of teaching occurs with any employer sooner than the expiration of one full and complete school semester year.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.520 Suspension of Retirement Annuities

- a) Annuitants receiving a retirement annuity under Section 16-132 of the Act may be employed as teachers not in excess of 100 days or 500 hours within any one school term year. Employment in excess of 100 days or 500 hours within any one school term year shall result in termination of payment. When such employment has terminated, the member may re-apply for retirement annuity to be payable effective on the day following termination of employment.

- b) Any annuitant may have his or her benefit reduced or terminated upon written request provided, however, that the System shall not be liable for the retroactive payment of a reduced or terminated benefit during the period of time such benefit remains reduced or terminated as the result of the annuitant's request. Such annuitant may have his or her benefit increased or reinstated in full upon written request. Such increase or decrease will take effect the first of the month following the date the written request is received in the System's office.

- c) Monthly benefit payments to annuitants shall be suspended when two monthly warrants remain uncashed. The System shall inquire as to the cause for the non-cashing of the warrants. These and subsequent

payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing same.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.570 Survivors' Benefits

- a) In the event a survivor's benefit payment is reduced to meet the dollar limitations of Section 16-141 of the Illinois Pension Code, the widow or widower's portion of the total benefit shall be 30% of the decedent's average salary subject to the dollar maximum in Section 16-141, and the payment for a child or children shall be the excess amount over the widow or widower's portion of the total payment.
- b) Survivors annuity payments on account of disabled minor children accepted by the spouse after the children have legally been removed from the spouse's care will be considered benefit over-payments due to the System and will be subject to collection in accordance with the provisions of Section 1650.290(b).

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.620 Right of Appeal

Any individual may appeal a staff disposition of a claim or interpretation of the Illinois Pension Code Act to the Board of Trustees, by filing a written request for an administrative review with the Executive Director. The appeal will be set for the next regularly scheduled board meeting, but if the request is received less than 30 days prior to a regularly scheduled board meeting, it will be set for hearing at the next board meeting or a time mutually agreed upon by the parties scheduled to be heard at the next meeting of the Board's Claims Hearing Committee having space on the agenda for such hearing.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.630 Form of Written Request

A written request for an administrative review shall set forth the name and address of the petitioner, the name and address of his or her authorized representative if applicable, a brief statement of the facts forming the basis for the request, which must include any new or additional evidence, the relief sought, and a statement whether the petitioner wishes to appear at a hearing before the Claims Hearing Committee of the Board of Trustees. Such requests must be in writing and shall be granted.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

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Section 1650.640 Prehearing Procedure

- a) Upon written notice by the System, a petitioner or his or her attorney shall appear at a mutually agreeable time and place for a prehearing conference for the purpose of formulating issues and considering:
 - 1) The simplification of issues;
 - 2) The amendment of pleadings;
 - 3) The making of admissions of facts or stipulations for the purpose of avoiding the unnecessary introduction of evidence.
 - 4) The procedure at the hearing;
 - 5) The limitation of the number of witnesses; and
 - 6) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) The persons attending the prehearing conference may enter into a written stipulation as to matters decided in the prehearing conference. Failure to attend a prehearing conference shall not diminish a person's right to a hearing.
- c) Prior to any board meeting of the Claims Hearing Committee at which an one or more administrative review is are scheduled to be heard, the Board-of-Trustees Claims Hearing Committee shall be furnished a--memorandum memoranda prepared by the System's staff regarding the scheduled administrative review case cases, which shall include:
 - 1) A statement regarding the action taken by the staff which gave rise to the review;
 - 2) A statement of the petitioner's objections, if available;
 - 3) The basis or reasons for the action taken by the staff;
 - 4) A statement of the results or consequences of an affirmative or opposing decision;
 - 5) Supporting documentary evidence; and
 - 6) Citations to the applicable statute giving rise to the claim or justifying the staff's decision.

(Source: Amended at 17 Ill. Reg. 1631, effective January 22, 1993)

Section 1650.650 Hearing Procedure

- a) All administrative review hearings shall be recorded by tape.
- b) The Chairperson of the Board--of-Trustees Claims Hearing Committee ("Committee") shall preside over the hearing.
- c) Hearings shall be of an informal nature:
 - 1) The Chairperson shall direct all parties to enter their appearances on the record.
 - 2) The parties may be written stipulation agree upon any facts or any issues involved in the proceeding.

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- 3) The facts stipulated shall be considered as evidence in the proceeding.
- 4) Irrelevant material or unduly repetitious evidence shall be excluded.
- 5) Whenever possible, documents and exhibits may be introduced by stipulation of the parties. Originals of documents may be introduced into evidence with leave to substitute the originals with copies; and,
- 6) All parties shall be offered an opportunity to make oral arguments.
- d) Order of Presentation
 - 1) All written briefs, memoranda and evidence shall be submitted to the Board Committee in advance of the hearing.
 - 2) The System's attorney, or if he or she is unavailable, the System's staff, shall present the System's arguments.
 - 3) The petitioner or his or her agent or attorney may then examine the individual presenting the System's position.
 - 4) Following the conclusion of the System's argument and examination by the petitioner, the petitioner may present his or her witnesses and arguments.
 - 5) Upon conclusion of the petitioner's argument, the System's staff may rebut any argument or new matter raised by the petitioner's presentation.
 - 6) Following the presentations of both the System's staff or System attorney and the petitioner, any Trustee member of the Committee may ask questions necessary to clarify the Board's Committee's understanding of the facts or law.

e) Upon conclusion of all arguments, the Board-of-Trustees Committee shall decide, in private executive-session deliberations, on a recommendation as to the disposition of the appeal, which recommendation shall be communicated to the Board at its next regular meeting the--appeal--in-Executive-session. The Executive Director of the System may be present during the Committee's deliberations. The Board-of-Trustee Committee shall arrive at one of three decisions regarding a recommendation to the Board:

- 1) A decision recommendation to affirm the administrative action.
 - 2) A decision recommendation to reverse the administrative action.
 - 3) A decision recommendation to remand the proceedings back to the administrative staff for further consideration.
- f) The Board of Trustees at its next regular meeting shall act on the recommendation of the Committee by adopting the recommendation or rejecting it with directions that the administrative action of the staff be affirmed or reversed (as the case may be), or that the proceedings be remanded to the staff for further consideration. The decision of the Board of Trustees shall be a final administrative decision for purpose of the Illinois Administrative Review Act Law- (Ill. Rev. Stat. 1983/1991, ch. 110, par. 3-101 et seq).
- h) The decision of the Board of Trustees shall be communicated to the

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- petitioner in writing within 30 days of the ~~completion of the~~ hearing meeting at which the recommendation of the Committee was acted upon.
- i) The Board of Trustees shall grant a rehearing or written reappeal for the purpose of considering new or additional evidence not previously available. The procedures set forth in this Section ~~1650-650~~ shall apply to rehearings.

(Source: Amended at 17 Ill. Reg. 1631, effective
January 22, 1993)

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- 1) The Heading of the Part: Department of Personnel
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3) Section numbers: Adopted Action:
420.330 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code (Ill. Rev. Stat. 1991, ch. 12, par. 110)
- 5) Effective Date of Amendment: February 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? N/A
- 8) Date Filed in Agency's Principal Office: January 26, 1993
- 9) Notice of Proposal Published in Illinois Register:
16 Ill. Reg. 15342 - October 9, 1992
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. Updated all Ill. Rev. Stat. citations to the current year "1991".
 2. In Section 420.330(b)(a) changed label "(a)" to "(1)".
 3. In Section 420.330(b)(2) changed the reference to "this Paragraph (2)" to "this subsection".
 4. In Section 420.330(b)(2) in the last sentence changed the word "them" to "the schedules".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To allow departments of the Secretary of State's Office to reorganize and change schedules in conformance with a rule.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Elizabeth M. Vogt
 Assistant Counsel
 Office of the Secretary of State
 298 Howlett Building
 Springfield, Illinois 62756

The full text of the Adopted Amendments begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS

CHAPTER II: SECRETARY OF STATE

PART 420

DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
 420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
 420.200 Positions
 420.210 Position Classification
 420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
 420.300 Application and Examination
 420.310 Appointment and Selection
 420.320 Trainees
 420.330 Intermittents
 420.340 Continuous Service
 420.350 Performance Review
 420.360 Probationary Status
 420.370 Promotions
 420.380 Employee Transfers
 420.290 Demotion
 420.400 Layoffs and Reemployment
 420.410 Voluntary Reduction
 420.420 Resignation and Reinstatement
 420.430 Discipline, Discharge, and Termination
 420.435 Return of State Property

SUBPART D: CONDITIONS OF EMPLOYMENT

Section
 420.600 Grievance Procedure
 420.610 Sick Leave
 420.620 Leave for Personal Business
 420.630 On-The-Job Injury--Industrial Disease
 420.640 Leaves of Absence Without Pay

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420.645 Adoption/Child Care Leave
520.650 Limitations on Leaves of Absence
420.660 Leaves of Absence--Special
420.670 Leaves of Absence--Special--Salary
420.680 Employee Rights After Leave
420.690 Leave of Absence--Election to Public Office
420.700 Failure to Return From Leave of Absence
420.710 Military and Peace Corps Leave
420.720 Leave For Annual Military Reserve Training or Special Duty
420.730 Leave for Military Physical Examinations
420.740 Leave to Take Exempt Position
420.760 Disability Leave
420.770 Attendance in Court
420.800 Vacation
420.810 Work Schedules
420.820 Overtime
420.830 Holidays

SUBPART E: GENERAL PROVISIONS

Section
420.1000 Records
420.1010 Benefits
420.1030 Other Provisions

AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code (Ill. Rev. Stat. 1991, ch. 12, par. 110)

SOURCE: Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983, codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993.

SUBPART C: MERIT AND FITNESS

Section 420.330 Intermittents

a) Intermittent Positions: The Director shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in lieu of permanent positions. Appointments will be made to such positions in the same manner as appointments to permanent positions.

b) Limitations on Intermittent Employees: An intermittent employee will be subject to the following limitations and conditions of employment, but will otherwise be covered by the full benefits of Jurisdiction A, B and C.

- a1) Intermittent employees shall not be utilized as replacements for permanent employees, but they may substitute for absent employees. An effort will be made to balance the hours worked among intermittents of the same title within the same organizational unit.
- 2) Intermittents will work a maximum of 1500 hours per year (12-month period), minimum of 800. There shall be not more than a 10% variance in hours scheduled from the original in-hire Schedule (see the definition of "work schedule" in Section 420.810) in the same title and organizational units. Intermittent employees whose schedules vary more than 10% may grieve or appeal such schedule changes. An effort will be made to balance the hours worked among the intermittents. Intermittents worked more than 1500 hours shall be reallocated in accordance with Section 420.210(a), (b) and (c) to permanent full-time positions. Intermittents offered work less than their permissible minimum in-hire schedule shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions. Nothing in this subsection shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event such a reorganization temporarily precludes full compliance with this subsection, management shall have six months in which to revise its schedules in order to bring the schedules into compliance.
- 3) The continuous service of an intermittent employee shall be computed on the basis of ours worked, each 7 1/2 hours being equivalent to one day.
- 4) An intermittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.
- 5) Intermittent employees shall receive full pay for an official holiday if scheduled to work that day of the week and they have worked the last scheduled work day before the holiday and the first scheduled work day after the holiday.
- 6) Employees refusing to be scheduled three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24-hour notice of scheduling, unless proof of illness or death in the family is presented.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 7) An semi- annual review of the intermittent program will be made by the Director of Personnel to insure compliance with this Part.

(Source: Amended at 17 Ill. Reg. 1652, effective February 1, 1993)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) HEADING OF THE PART: Duck, Goose and Coot Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 590
- 3) SECTION NUMBERS:
590.10
EMERGENCY ACTION:
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- 5) EFFECTIVE DATE OF AMENDMENTS: January 20, 1993
- 6) IF THIS EMERGENCY AMENDMENT IS TO EXPIRE BEFORE THE END OF THE 150-DAY PERIOD, PLEASE SPECIFY THE DATE ON WHICH IT IS TO EXPIRE: This emergency amendment will remain in effect for the 150-day period.
- 7) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 20, 1993
- 8) REASON FOR EMERGENCY: This emergency is due to the fact that 51,350 geese are anticipated to be harvested in the Quota Zones. As of January 19, 1993 only 16,697 geese have been reported harvested. A failure to reduce the numbers in the Mississippi Valley flock by a higher amount than is projected based on the current harvest rate constitutes a threat to the public interest, safety and welfare, as an overdensity of geese creates a higher than normal threat of disease outbreaks in the flock. This emergency regulation is designed to enhance this harvest and help alleviate the threat.
- 9) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Lengthens the goose season by allowing goose hunting until sunset in the Southern Illinois Quota Zone and the Rend Lake Quota Zone. Allows hunters on Rend Lake until one hour after sunset to remove boats from the restricted areas.
- 10) ARE THERE ANY PROPOSED AMENDMENTS TO THIS PART PENDING? No
- 11) STATEMENT OF STATEWIDE POLICY OBJECTIVES (if applicable):
This rule has no impact on local governments
- 12) INFORMATION AND QUESTIONS REGARDING THESE AMENDMENTS SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE EMERGENCY AMENDMENTS BEGINS ON THE NEXT PAGE:

NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section

590.10

EMERGENCY

590.20

590.25

590.26

590.30

590.40

590.50

590.60

590.70

EMERGENCY

590. EXHIBIT A

The Non-Toxic Shot Zones of Illinois (Repealed)

Statewide Regulations

Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
Illinois Youth Goose Hunting Permit Requirements
Illinois Youth Duck Hunting Permit Requirements
Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.
Check Station Department Sites Only - Duck, Goose and Coot Hunting

Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
Various Other Department Sites - Duck, Goose and Coot Hunting
Ohio River

EMERGENCY

590. EXHIBIT A

The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242,

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 16233, effective February 20, 1989; emergency amendments at 12 Ill. Reg. 22444, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendments at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency amendments at 13 Ill. Reg. 17354, effective March 3, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendments at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendments at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendments at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency amendments at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days.

Section 590.10 Statewide Regulations
EMERGENCY

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par 2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in

this rule are more restrictive.

- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify.

e) Emergency Closure

The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

f) Closed Areas and Refuges

- 1) Ducks - Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.

2) Geese and Refuges

- A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.

- B) Portions of the following areas are designated as waterfowl refuges and the refuge boundaries are posted or identified on each area posting:

- i) Horseshoe Lake Conservation Area - Alexander County (the refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch) (in the refuge no motors will be allowed from October 15 through December 31 and trolling motors will only be used from January 1 to March 1)

ii) Mazonia-Braidwood State Fish and Wildlife Area

iii) Rend Lake and Rend Lake Wildlife Management Area

iv) Snake Den Hollow Fish and Wildlife Area (all use other than waterfowl hunting is prohibited from October 1 through the close of the Fulton-Knox County goose season)

v) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)

vi) Melvin Price Lock and Dam Pool 26 (the posted area immediately south of Melvin Price Lock and Dam 26 on the Mississippi River, and including that portion of Maple Island, that is presently owned by the State of Illinois has been designated a waterfowl refuge. Discharge of firearms, hunting and off road vehicles are prohibited at all times. All boating is prohibited on waters of the refuge where posted from October 15 through April 15)

g) Commercial Migratory Waterfowl Hunting Area Permits

- 1) The holder of a permit shall forward within 30 days after the close of the season or at an earlier time as requested by the Department, a report upon forms

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

furnished by the Department providing information on the hunting season.

- 2) Subsection (g) shall be in accordance with Section 3.7 of the Wildlife Code.

h) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

i) When public duck blinds on State managed sites are flooded to the point that they are no longer usable, but the water level is not too high or rough to be a threat to public safety, the Department, by public announcement and posting, may permit waterfowl hunting anywhere on the area except in designated refuge areas. Any permits issued for the blinds are no longer valid and no fee to hunt the area will be charged.

j) Waterfowl Hunting Zones:

- 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

- 2) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

- 3) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.

- 4) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.

- 5) Rend Lake Canada Goose Quota Zone - all lands and

DEPARTMENT OF CORRECTIONS
NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: RIGHTS AND PRIVILEGES
- 2) Code Citation: 20 Ill. Adm. Code 525
- 3) Section Numbers: 525.140
Peremptory Action: Amend
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: Green v Peters, #71 C 1403, N.D. Ill, 1992
- 5) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (730 ILCS 5/3-2-2 (1992), formerly Ill. Rev. Stat. 1991, ch. 38, par. 1003-2-2).
- 6) Effective Date: January 22, 1993
- 7) A Complete Description of the Subjects and Issues Involved: Pursuant to the above referenced Court Order, Section 525.140(k) is being revised to delete the sentence which prohibits the receipt of catalogs. Catalogs which are otherwise admissible may be received through the mail.
- 8) Does this rulemaking contain an automatic repeal date? Yes
X No
- 9) Date Filed in Agency's Principal Office: January 22, 1993
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No.
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate on units of local government.
- 13) Information and questions regarding this adopted amendment shall be directed to:

Name: David C. Watkins, Deputy Director
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Peremptory amendments begins on the next page:

DEPARTMENT OF CONSERVATION
NOTICE OF EMERGENCY AMENDMENTS

- waters in Franklin and Jefferson Counties.
- 6) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
 - 7) Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).
 - k) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone except between legal opening and the hour of 3:00 p.m.
 - l) A special harvest period is created in the Southern Illinois Quota Zone and the Rend Lake Quota Zone by extending the goose season on January 29, 30 and 31, 1993, from 3 p.m. until sunset each day. Except for Horseshoe Lake Public Hunting Area (Alexander County) and Union County Conservation Area, where the hours shall remain unchanged, all other government-owned sites allowing goose hunting in these two zones shall allow goose hunting until sunset, and hunters and boats on Rend Lake shall have until one hour after sunset to be removed from the subimpoundments and Wildlife Management Areas.

(Source: Emergency amendments at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days)

DEPARTMENT OF CORRECTIONS

DEPARTMENT OF CORRECTIONS

NOTICE OF PEREMPTORY AMENDMENT

NOTICE OF PEREMPTORY AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 525**RIGHTS AND PRIVILEGES****SUBPART A: VISITATION**

Section	
525.10	Applicability
525.12	Definitions
525.15	Responsibilities
525.20	Visiting Privileges
525.30	Clergy Visitation
525.40	Attorney Visitation - Adult and Community Services Divisions
525.50	Attorney Visitation - Juvenile Division (Court Agreement)
525.60	Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section	
525.100	Applicability
525.110	Definitions
525.115	Responsibilities
525.120	Processing of Mail
525.130	Outgoing Mail
525.140	Telephone Privileges

SUBPART C: PUBLICATIONS

Section	
525.200	Applicability
525.202	Definitions
525.205	Responsibilities
525.210	General Guidelines
525.220	Publications Review Committee
525.230	Appeal Process for Non-approved Publications

SUBPART D: MARRIAGE OF COMMITTED PERSONS

Section	
525.300	Applicability
525.302	Definitions
525.305	Responsibilities
525.310	Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-7-4, 3-8-7, and 3-10-8 of the Unified Code of Corrections (730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-7-4, 3-8-7, and 3-10-8 (1992)), formerly Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2, 1003-7-1, 1003-7-2, 1003-7-4, 1003-8-7, and 1003-10-8) and Section 1-3 of the Juvenile Court Act of 1987 (705 ILCS 405/1-3 (1992)), formerly Ill. Rev. Stat. 1991, ch. 37, par. 801-3) and authorized by Sections 3-2-2, 3-7-1, and 3-7-4 of the Unified Code of Corrections (730 ILCS 5/3-2-2, 3-7-1, and 3-7-4 (1992)), formerly Ill. Rev. Stat. 1991, ch. 38, pars. 1003-2-2, 1003-7-1, and 1003-7-4). Subparts A and C are also implementing Consent Decrees (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977 and Green vs. Stelaff, #71 C 1403, N.D. Ill., 1973 and amended 1976).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993.

SUBPART B: MAIL AND TELEPHONE CALLS**Section 525.140 Incoming Mail**

- Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title and address of the sender.
- Incoming privileged mail may be opened in the presence of the committed person to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.
- Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.
- All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
- Cashier's checks, money orders and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the committed person's trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency or firm's account and any check written on

DEPARTMENT OF CORRECTIONS

NOTICE OF PEREMPTORY AMENDMENT

an employer's personal account for wages due a person assigned to the Community Services Division. The committed person shall be notified of all monies received and deposited in his trust fund account. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender, and the committed person shall be notified.

f) Personal checks and cash shall be returned to the sender, and the sender shall be notified that funds cannot be received in that form.

g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced, or withheld from delivery for any of the reasons listed in Section 525.130(h) of this Subpart or if determined to be obscene by the Publications Review Committee in accordance with Subpart C of this Part.

h) When a committed person is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.

i) If a committed person has been transferred or released, first class mail shall be forwarded to him if his address is known. If no forwarding address is available, the mail shall be returned to the sender.

j) If a committed person has been absent from the facility on a furlough or pursuant to writ, his mail shall be held at the facility for a period of one month, unless the committed person has made a written request to the Chief Administrative Officer to have his mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the committed person's address, if known, or returned to the sender, unless alternative arrangements have been made.

k) Committed persons may receive books and periodicals in accordance with Subpart C of this Part, and may receive manual typewriters ordered directly from a supplier through the commissary. Committed persons in the Adult and Juvenile Divisions shall not be permitted to receive catalogs, except catalogs for books or periodicals. Other packages may be received only as approved by the Chief Administrative Officer. The contents of all packages other than packages sent from pre-approved vendors, including packages containing books and periodicals, must be clearly listed on the outside of the package. Packages which do not contain a description of the contents shall be returned to the sender. All packages shall be opened and searched prior to delivery.

DEPARTMENT OF CORRECTIONS

NOTICE OF PEREMPTORY AMENDMENT

(Source: Peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993)

TREASURER

NOTICE OF PEREMPTORY RULES

1) The Heading of the part: Smart Money Program Confidentiality Requirements

2) Code Citation: 74 Ill. Adm. Code 730

3) Section Numbers: 730.10
Peremptory Action: New

4) Reference to Federal Rules which Require this Peremptory Rulemaking: 7 CFR §272.1, 42 CFR §§431.300-307 and 45 CFR §§205.50-58.

5) Statutory Authority: Ill. Rev. Stat. 1991, ch. 23 §11-10 (305 ILCS 5/11-10).

6) Effective Date: January 22, 1993

7) A Complete Description of the Subjects and Issues Involved: These Rules protect the confidentiality of information received from the Illinois Department of Public Aid regarding Public Aid recipients.

8) Does this Rulemaking Contain an Automatic Repeal Date? NO

9) Date Filed in Agency's Principal Office: January 19, 1993

10) This Rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? NO

12) Statement of Statewide Policy Objectives: This Rulemaking does not create or expand a mandate on any unit of local government.

13) Information and questions regarding this adopted rule shall be directed to:

Matt Berns, Office of the State Treasurer
State of Illinois Center, Suite 15-600
100 West Randolph
Chicago, IL 60601
phone: (312) 814-2976

The full text of the Peremptory rules begins on the next page:

TREASURER

NOTICE OF PEREMPTORY RULES

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURERPART 730
SMART MONEY PROGRAM CONFIDENTIALITY REQUIREMENTS

Section
730.10 Confidentiality

AUTHORITY: Required by Federal Public Assistance Rules (codified at 7 CFR §272.1, 42 CFR §§431.300-307 and 45 CFR §§205.50-58) and the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23 §11-10) (305 ILCS 5/11-10).

SOURCE: Peremptory Rule adopted at 17 Ill Reg. 1671, effective January 22, 1993.

Section 730.10 Confidentiality

The Illinois Department of Public Aid (IDPA) and the office of the State Treasurer (the Treasurer) have agreed to cooperate in order to facilitate the use of direct deposit and low-fee checking accounts by recipients of public assistance in the State of Illinois. IDPA provides to the Treasurer information, including the names and addresses of persons receiving public assistance from IDPA, as well as the type of aid received. The Treasurer will use such information provided by IDPA only for the purposes of facilitating direct deposit and low-fee checking accounts by and for recipients of public assistance in the State of Illinois. The Treasurer will not use such information provided by IDPA for general mailings and will not release the information provided by IDPA to any other entity.

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Parts: Americans With Disabilities Act
Grievance Procedure
- 2) Code Citations:
- | |
|-----------------------|
| 4 Ill. Adm. Code 275 |
| 4 Ill. Adm. Code 300 |
| 4 Ill. Adm. Code 325 |
| 4 Ill. Adm. Code 375 |
| 4 Ill. Adm. Code 400 |
| 4 Ill. Adm. Code 475 |
| 4 Ill. Adm. Code 500 |
| 4 Ill. Adm. Code 550 |
| 4 Ill. Adm. Code 575 |
| 4 Ill. Adm. Code 725 |
| 4 Ill. Adm. Code 750 |
| 4 Ill. Adm. Code 975 |
| 4 Ill. Adm. Code 1000 |

- 3) Dates Rules Appeared in the Illinois Register and Effective Dates:

Register Citation:	Effective Dates:
16 Ill. Reg. 7003 (May 1, 1992)	April 14, 1992
16 Ill. Reg. 15102 (October 2, 1992)	September 21, 1992
16 Ill. Reg. 8565 (June 5, 1992)	May 26, 1992
16 Ill. Reg. 15976 (October 16, 1992)	October 5, 1992
16 Ill. Reg. 12439 (August 7, 1992)	August 1, 1992
16 Ill. Reg. 10423 (July 6, 1992)	July 1, 1992
16 Ill. Reg. 11426 (July 17, 1992)	July 6, 1992
16 Ill. Reg. 11744 (July 24, 1992)	July 8, 1992
16 Ill. Reg. 14621 (September 25, 1992)	September 14, 1992
16 Ill. Reg. 11432 (July 17, 1992)	July 2, 1992
16 Ill. Reg. 11418 (July 17, 1992)	September 4, 1992
16 Ill. Reg. 19806 (December 18, 1992)	December 7, 1992
16 Ill. Reg. 20092 (December 28, 1992)	December 14, 1992

NOTICE OF CODIFICATION CHANGES

- 4) Pursuant to Section 5.80 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005(b)) (ILCS 100/5-80 (1992)) the Administrative Code Division has made the following changes in the codification to the above named rules:

TITLE 4: GRIEVANCE PROCEDURES
has been changed in the rules listed above to:
TITLE 4: DISCRIMINATION PROCEDURES

These changes have been made to the Rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the Rule nor the date on which it became effective.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

Upon initial review, it has been determined that the following proposed rules promulgated by State agencies may impact small business:

AGRICULTURE, DEPARTMENT OF

Egg & Egg Products Act; 8 Ill. Adm. Code 65
Published January 15, 1993 at 17 Ill. Reg. 527

Persons wishing to obtain more information concerning the impact on small business may contact:

Linda Brand
Department of Commerce and Community Affairs
Office of Regulatory Assistance
620 East Adams Street - 6th Floor
Springfield, Illinois 62701
(217) 524-1516

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING

ROOM A-1

SPRINGFIELD, ILLINOIS

10:00 A.M.

FEBRUARY 17, 1993

NOTICE: It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

AGENDA

I. Approval of January 12, 1993 Minutes

II. Review of Proposed Agency Rulemaking

Central Management Services

1. Merit and Fitness (80 Ill Adm Code 302)
 - First Notice Published: 16 Ill Reg 17187 - 11/13/92
 - Expiration of Second Notice: 2/19/93

Commerce and Community Affairs

2. Low Income Home Energy Assistance Program (47 Ill Adm Code 100)
 - First Notice Published: 16 Ill Reg 16707 - 11/6/92
 - Expiration of Second Notice Period: 3/8/93

Commissioner of Savings and Residential Finance

3. Residential Mortgage License Act of 1987 (38 Ill Adm Code 450)
 - First Notice Published: 16 Ill Reg 17570 - 11/20/92
 - Expiration of Second Notice Period: 3/1/93

Community College Board

4. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 1050)
 - First Notice Published: 16 Ill Reg 17399 - 11/20/92
 - Expiration of Second Notice: 2/17/93

Conservation

5. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)
-First Notice Published: 16 Ill Reg 17414 - 11/20/92
-Expiration of Second Notice Period: 2/22/93
6. Commercial Fishing and Musselling in Certain Waters of the State (17 Ill Adm Code 830)
-First Notice Published: 16 Ill Reg 17405 - 11/20/92
-Expiration of Second Notice Period: 3/5/93
7. The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)
-First Notice Published: 16 Ill Reg 18181 - 12/4/92
-Expiration of Second Notice Period: 3/7/93

Criminal Justice Information Authority

8. Fees for Processing Requests for Conviction Information (20 Ill Adm Code 1570)
-First Notice Published: 16 Ill Reg 2732 - 2/21/92
-Expiration of Second Notice Period: 3/8/93

Employment Security

9. General Application (56 Ill Adm Code 2712)
-First Notice Published: 16 Ill Reg 17853 - 11/30/92
-Expiration of Second Notice Period: 3/8/93

Environmental Protection Agency

10. Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 183)
-First Notice Published: 16 Ill Reg 12659 - 8/14/92
-Expiration of Second Notice Period: 2/17/93

Nuclear Safety

11. Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (32 Ill Adm Code 195)
-First Notice Published: 16 Ill Reg 12756 - 8/14/92
-Expiration of Second Notice Period: 2/17/93

Planning Council on Developmental Disabilities

12. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 800)
-First Notice Published: 16 Ill Reg 11988 - 7/31/92
-Expiration of Second Notice Period: 2/26/93
13. Grants (59 Ill Adm Code 400)
-First Notice Published: 16 Ill Reg 11996 - 7/31/92
-Expiration of Second Notice Period: 2/26/93

Public Aid

14. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 16 Ill Reg 15019 - 10/2/92
-Expiration of Second Notice Period: 2/17/93
15. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 16 Ill Reg 14538 - 9/25/92
-Expiration of Second Notice Period: 2/18/93
16. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113.410)
-First Notice Published: 16 Ill Reg 14533 - 9/25/92
-Expiration of Second Notice Period: 2/22/93
17. Assistance Standards (89 Ill Adm Code 111)
-First Notice Published: 16 Ill Reg 16491 - 10/30/92
-Expiration of Second Notice Period: 2/25/93
18. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 16 Ill Reg 15810 - 10/16/92
-Expiration of Second Notice Period: 2/26/93
19. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 16 Ill Reg 17209 - 11/13/92
-Expiration of Second Notice Period: 3/1/93
20. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 16 Ill Reg 14540 - 9/25/92
-Expiration of Second Notice Period: 3/4/93
21. Diagnosis Related Grouping (DRG) Prospective System (PPS) (89 Ill Adm Code 149)
-First Notice Published: 16 Ill Reg 14535 - 9/25/92
-Expiration of Second Notice Period: 3/4/93

Public Health

22. Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 190)
 -First Notice Published: 16 Ill Reg 12769 - 8/14/92
 -Expiration of Second Notice Period: 2/17/93

Rehabilitation Services

23. Prescreening and Eligibility Determination Process (89 Ill Adm Code 690)
 -First Notice Published: 16 Ill Reg 15065 - 10/2/92
 -Expiration of Second Notice Period: 2/25/93

24. Client Financial Participation (89 Ill Adm Code 562)
 -First Notice Published: 16 Ill Reg 14189 - 9/18/92
 -Expiration of Second Notice Period: 2/25/93

Revenue

25. Nursing Home Grant Assistance Act (86 Ill Adm Code 535)
 -First Notice Published: 16 Ill Reg 15340 - 10/9/92
 -Expiration of Second Notice Period: 3/1/93

Transportation

26. Construction in Floodways of Rivers, Lakes and Streams (92 Ill Adm Code 700)
 -First Notice Published: 16 Ill Reg 17235 - 11/13/92
 -Expiration of Second Notice Period: 2/26/93

27. Regulation of Public Waters (92 Ill Adm Code 704)
 -First Notice Published: 16 Ill Reg 17244 - 11/13/92
 -Expiration of Second Notice Period: 2/26/93

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency and Peremptory Rulemakings

Aging

28. General Programmatic Requirements (89 Ill Adm Code 220) (Emergency)
 -Notice Published: 17 Ill Reg 1179 - 1/29/93

Central Management Services

29. Pay Plan (80 Ill Adm Code 310) (Peremptory)
 -Notice Published: 17 Ill Reg 498 - 1/8/93

Health Facilities Planning Board

30. Health Care Worker Self-Referral (77 Ill Adm Code 1235) (Emergency)
 -Notice Published: 17 Ill Reg 432 - 1/8/93

Insurance

31. Financial Futures Contracts (50 Ill Adm Code 805) (Emergency)
 -Notice Published: 17 Ill Reg 154 - 1/4/93

32. Purchasing and Selling Call and Put Options Contracts (50 Ill Adm Code 802) (Emergency)
 -Notice Published: 17 Ill Reg 163 - 1/4/93

Mines and Minerals

33. The Illinois Oil and Gas Act (62 Ill Adm Code 240) (Emergency)
 -Notice Published: 17 Ill Reg 1195 - 1/29/93

Public Aid

34. Practice in Administrative Hearings (89 Ill Adm Code 104) (Emergency)
 -Notice Published: 17 Ill Reg 665 - 1/15/93

Public Health

35. AIDS Confidentiality Testing Code (77 Ill Adm Code 697) (Emergency)
 -Notice Published: 17 Ill Reg 1204 - 1/29/93

36. Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693) (Emergency)
 -Notice Published: 17 Ill Reg 1213 - 1/29/93

Revenue

37. Electronic Filing of Illinois Individual Income Tax Returns (86 Ill Adm Code 105) (Emergency)
 -Notice Published: 17 Ill Reg 432 - 1/8/93

38. Income Tax (86 Ill Adm Code 100) (Emergency)
 -Notice Published: 17 Ill Reg 473 - 1/8/93

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 19, 1993 through January 26, 1993, and have been scheduled for review by the Committee at its February 17, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/4/93	Department of Public Aid, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)	9/25/92 16 Ill Reg 14535	2/17/93
3/4/93	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	9/25/92 16 Ill Reg 14540	2/17/93
3/5/93	Department of Conservation, Commercial Fishing and Musselling in Certain Waters of the State (17 Ill Adm Code 830)	11/20/92 16 Ill Reg 17405	2/17/93
3/7/93	Department of Conservation, The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)	12/4/92 16 Ill Reg 18181	2/17/93
3/8/93	Illinois Criminal Justice Information Authority, Fees for Processing Requests for Conviction Information (20 Ill Adm Code 1570)	2/21/92 16 Ill Reg 2732	2/17/93
3/8/93	Department of Employment Security, General Application (56 Ill Adm Code 2712)	11/30/92 16 Ill Reg 17853	2/17/93
3/8/93	Department of Commerce and Community Affairs, Low Income Home Energy Assistance Program (47 Ill Adm Code 100)	11/6/92 16 Ill Reg 16707	2/17/93

39. Board of Appeals (86 Ill Adm Code 210) (Emergency)
-Notice Published: 17 Ill Reg 665 - 1/15/93

Secretary of State

40. Issuance of Licenses (92 Ill Adm Code 1030) (Emergency)
-Notice Published: 17 Ill Reg 1219 - 1/29/93

State Fire Marshal

41. Storage, Transportation, Sale and Use of Petroleum and Other Regulated
Substances (41 Ill Adm Code 170) (Emergency)
-Notice Published: 17 Ill Reg 1186 - 1/29/93

Student Assistance Commission

42. Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill Adm Code
2763) (Emergency)
-Notice Published: 17 Ill Reg 175 - 1/4/93

V. Agency Response to Joint Committee ActionAlcoholism and Substantive Abuse

43. Triplicate Prescription Control Program (77 Ill Adm Code 2080)
-First Published: 7/17/92
-Objection Date: 10/13/92
-Response: Modification of Rulemaking to meet Objections

State Board of Education

44. Disadvantaged Students Funds Plan - Districts Over 50,000 ADA (23 Ill
Adm Code 202)
-First Published: 16 Ill Reg 7231 - 5/8/92
-Objection date: 9/15/92
-Response: Disagree

PROCLAMATION

93-011

CHILD ABUSE AWARENESS DAY

Whereas, the Mike Singletary Invitational Eight Ball Tournament aims to generate awareness of issues concerning child abuse and neglect and their prevention; and

Whereas, the tournament is being held at Chicago Marriott Downtown February 13, 1993; and

Whereas, stars and celebrities from the sports world will attend this charitable event; and

Whereas, all proceeds from the tournament will benefit Just for Youth and Child Abuse Prevention Services, organizations that work toward the common goal of preventing child abuse and neglect in the Chicago area;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 13, 1993, as CHILD ABUSE AWARENESS DAY in Illinois and salute Mike Singletary and the Just for Youth and Child Abuse Prevention Services for the exemplary efforts on behalf of our children.

Issued by the Governor January 13, 1993.

Filed with the Secretary of State January 22, 1993.

93-012

CARDIAC REHABILITATION WEEK

Whereas, cardiovascular diseases continue to be the number one cause of death in our nation today; and

Whereas, medical research supports the premise that cardiovascular disease mortality can be decreased by reducing cardiovascular disease risk factors through regular exercise, blood pressure control, cholesterol reduction, smoking cessation, and stress management; and

Whereas, cardiac rehabilitation provides an opportunity for cardiac patients to return to optimal physical, psychological, social, and occupational health through supervised exercise and cardiovascular disease risk factor education and modification; and

Whereas, there are more than 100 organized cardiac rehabilitation programs in the State of Illinois. The American Association of Cardiovascular and Pulmonary Rehabilitation and the Illinois Society for Cardiac Health and Rehabilitation are sponsoring Cardiac Rehabilitation Week February 14-20, 1993; and

Whereas, the event aims to increase awareness of cardiac rehabilitation and the opportunities it provides for improved cardiovascular health and quality of life for cardiac patients;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 14-20, 1993, as CARDIAC REHABILITATION WEEK in Illinois in recognition of the role that cardiac rehabilitation programs play in the prevention and treatment of cardiovascular

diseases.

Issued by the Governor January 19, 1993.

Filed with the Secretary of State January 22, 1993.

93-013

SEED MONTH

Whereas, the abundance of Illinois crops relies on fertile soil, diligent farmers, and high-quality seeds; and

Whereas, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

Whereas, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and

Whereas, the Bureau for Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, the state's official seed-certifying agency, and independent, nonprofit organization; and

Whereas, in cooperation with educational and regulatory agencies, the Illinois Seed Dealers Association has maintained an informed membership and has developed an effective seed program advocating pertinent legislation, the latest research developments, and the production of high-quality seed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1993 as SEED MONTH in Illinois in appreciation of the seed industry's contributions to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor January 19, 1993.

Filed with the Secretary of State January 22, 1993.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224)
89 Ill. Adm. Code 220 General Programmatic Requirements (P-883) (E-1179)

AGRICULTURE, DEPARTMENT OF

4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)
8 Ill. Adm. Code 65 Egg & Egg Products Act (P-527)
8 Ill. Adm. Code 750 Sustainable Agriculture (P-1251)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

CAPITAL DEVELOPMENT BOARD

4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006)
80 Ill. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590)
44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)
89 Ill. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)
89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)
89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)
89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)
89 Ill. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)
89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274)

COMMERCE COMMISSION, ILLINOIS

4 Ill. Adm. Code 400 Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)
83 Ill. Adm. Code 255 Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)
83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Services (P-12810/92; A-805)
83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391/92; A-1511)
47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (E-1658)
17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season (P-15260/92; A-281)
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286)

CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 440 Advocacy Services (P-16371/92; AR-1519)
4 Ill. Adm. Code 475 American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)
20 Ill. Adm. Code 525 Rights & Privileges (PP-1666)

CRIMINAL JUSTICE INFORMATION AUTHORITY

4 Ill. Adm. Code 150 Americans With Disabilities Act Grievance Procedure (P-1263)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 228 Transitional Bilingual Education (P-9253/92; A-104)

EMPLOYMENT SECURITY, DEPARTMENT OF	
56 Ill. Adm. Code 2840	Claimant's Reason For Separation From Work (P-886)
56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-15625/92; A-295)
56 Ill. Adm. Code 2732	Employment (P-211)
56 Ill. Adm. Code 2765	Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614)
FINANCIAL INSTITUTIONS, DEPARTMENT OF	
38 Ill. Adm. Code 180	Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)
FIRE MARSHAL, OFFICE OF THE STATE	
41 Ill. Adm. Code 170	Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)
HIGHER EDUCATION, BOARD OF	
4 Ill. Adm. Code 975	Americans With Disabilities Act Grievance Procedure (A-19806/92; CC-1673)
HISTORIC PRESERVATION AGENCY, ILLINOIS	
17 Ill. Adm. Code 4180	Rules for Review of State Agency Undertakings (P-13718/92; A-1521)
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
47 Ill. Adm. Code 370	National Affordable Housing Act (HOME) Program (P-11713/92; A-319)
HUMAN RIGHTS, DEPARTMENT OF	
56 Ill. Adm. Code 2520	Procedural (P-10)
INSURANCE, DEPARTMENT OF	
50 Ill. Adm. Code 932	Automobile Anti-Theft Mechanisms (P-7279/92; O-1240)
50 Ill. Adm. Code 805	Financial Futures Contracts (P-42) (E-154)
50 Ill. Adm. Code 2013	Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)
50 Ill. Adm. Code 2015	Infertility Coverage (P-696)
50 Ill. Adm. Code 802	Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)
LABOR, DEPARTMENT OF	
56 Ill. Adm. Code 350	Health & Safety (P-3780/92; O-180; R-1239; A-1074)
MINES AND MINERALS, DEPARTMENT OF	
62 Ill. Adm. Code 240	Ill. Oil & Gas Act, The (E-1195)
PROFESSIONAL REGULATION, DEPARTMENT OF	
4 Ill. Adm. Code 275	Americans With Disabilities Act Grievance Procedure (A-7003/92; CC-1673)
68 Ill. Adm. Code 1210	Collection Agency Act (P-16374/92; A-1535)
68 Ill. Adm. Code 1150	Ill. Architecture Practice Act of 1989 (P-17042/92; A-1554)
68 Ill. Adm. Code 1220	Ill. Dental Practice Act (P-15762/92; A-1559)
68 Ill. Adm. Code 1300	Ill. Nursing Act of 1987 (P-16484/92; A-1572)
68 Ill. Adm. Code 1465	Ill. Speech-Language Pathology & Audiology Practice Act, The (P-890)

PROFESSIONAL REGULATION, DEPARTMENT OF (CONT'D)	
68 Ill. Adm. Code 1240	Private Detective, Private Alarm & Private Security Act of 1983 (P-15775/92; A-1579)
68 Ill. Adm. Code 1455	Real Estate Appraiser Certification (P-15785/92; A-1589)
PUBLIC AID, DEPARTMENT OF	
89 Ill. Adm. Code 113	Aid to the Aged, Blind or Disabled (P-702) (P-13383/92; A-827)
89 Ill. Adm. Code 112	Aid to Families With Dependent Children (P-46) (P-3335/92; A-357) (P-13381/92; A-813)
89 Ill. Adm. Code 110	Application Process (P-13207/92; A-640)
89 Ill. Adm. Code 116	Crisis Assistance (P-13764/92; A-1078)
89 Ill. Adm. Code 144	Developmental Disabilities Service (P-899)
89 Ill. Adm. Code 121	Food Stamps (P-13385/92; A-644)
89 Ill. Adm. Code 114	General Assistance (P-13395/92; A-1091)
89 Ill. Adm. Code 148	Hospital Services (P-10868/92; A-131)
89 Ill. Adm. Code 120	Medical Assistance Programs (P-711) (P-14544/92; A-1102)
89 Ill. Adm. Code 140	Medical Payment (P-62) (P-13311/92; A-837) (P-7576/92; A-1112) (P-13397/92; O-1241)
89 Ill. Adm. Code 104	Practice in Administrative Hearings (P-540) (E-659)
89 Ill. Adm. Code 147	Reimbursement for Nursing Costs for Geriatric Facilities (P-13215/92; A-1128)
89 Ill. Adm. Code 103	Support Responsibility of Relatives (P-14178/92; A-655)
PUBLIC COUNSEL, OFFICE OF THE	
4 Ill. Adm. Code 1075	Americans With Disabilities Act Grievance Procedure (P-14182/92; A-142)
PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD	
77 Ill. Adm. Code 1235	Health Care Worker Self-Referral (E-432) (P-683)
77 Ill. Adm. Code 1120	Health Facilities Planning Financial & Economic Feasibility Review (E-5205/92; RC-1244)
77 Ill. Adm. Code 1130	Health Facilities Planning Procedural Rules (P-4755/92; O-1242)
PUBLIC HEALTH, DEPARTMENT OF	
77 Ill. Adm. Code 697	AIDS Confidentiality Testing Code (E-1204)
77 Ill. Adm. Code 693	Control of Sexually Transmissible Diseases Code (E-1213)
77 Ill. Adm. Code 750	Food Service Sanitation Code (P-723)
77 Ill. Adm. Code 775	Grade A Pasteurized Milk & Milk Products (P-906)
77 Ill. Adm. Code 250	Hospital Licensing Requirements (P-2016/92; A-1614)
77 Ill. Adm. Code 245	Ill. Home Health Agency Code (P-747)
77 Ill. Adm. Code 350	Intermediate Care for the Developmentally Disabled Facilities Code (P-1269)
77 Ill. Adm. Code 390	Long-Term Care for Under Age 22 Facilities Code (P-1296)
77 Ill. Adm. Code 785	Manufactured Dairy Products (P-920)
77 Ill. Adm. Code 661	Newborn Metabolic Screening & Treatment Code (P-757)
68 Ill. Adm. Code 750	Plumbers Licensing Code (P-15056/92; A-417)
77 Ill. Adm. Code 845	Prevention of Lead Poisoning (P-12314/92; O-1243)
77 Ill. Adm. Code 330	Sheltered Care Facilities Code (P-1321)
77 Ill. Adm. Code 300	Skilled Nursing & Intermediate Care Facilities Code (P-1346)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 1413
Entries, Subscriptions & Declarations (P-13218/92; A-1628)
11 Ill. Adm. Code 1411
Jockeys, Apprentices, Jockey Agents, & Valets (P-1372)

REHABILITATION SERVICES, DEPARTMENT OF

4 Ill. Adm. Code 300
Americans With Disabilities Act Grievance Procedure (A-15102/92; CC-1673)
89 Ill. Adm. Code 680
Client Responsibilities (P-943)
89 Ill. Adm. Code 567
Comparable Benefits (P-10403/92; A-149)
89 Ill. Adm. Code 525
Grants & Contracts (P-947)
89 Ill. Adm. Code 730
III. Visually Handicapped Institute (P-10397/92; A-425)
89 Ill. Adm. Code 587
Medical, Psychological, & Related Services (P-952)
89 Ill. Adm. Code 827
Rules of Conduct (P-77)
89 Ill. Adm. Code 592
Training Services (P-1375)

RETIREMENT SYSTEM OF THE STATE OF ILLINOIS, TEACHERS'

80 Ill. Adm. Code 1650
Administration & Operation of the Teachers' Retirement System (P-12384/92; A-1631)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 210
Board of Appeals (E-665)
86 Ill. Adm. Code 105
Electronic Filing of Ill. Individual Income Tax Returns (P-219) (E-445)
86 Ill. Adm. Code 100
Income Tax (P-222) (E-473)
86 Ill. Adm. Code 130
Retailers' Occupation Tax (P-14554/92; A-860)

SECRETARY OF STATE

80 Ill. Adm. Code 420
Department of Personnel (P-15342/92; A-1652)
92 Ill. Adm. Code 1030
Issuance of Licenses (P-956) (E-1219)
23 Ill. Adm. Code 3040
Literacy Grant Program (P-958)
14 Ill. Adm. Code 170
Revised Uniform Limited Partnership Act (P-13784/92; A-427)

STATE POLICE MERIT BOARD

80 Ill. Adm. Code 150
Procedures of the Department of State Police Merit Board (E-17372/92; RC-181)

STATE TOLL HIGHWAY AUTHORITY, ILLINOIS

92 Ill. Adm. Code 2520
State Toll Highway Rules (P-542)
92 Ill. Adm. Code 2520
State Toll Highway Rules, Repeal of (P-566)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

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TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule PF = Prohibited filing
C = Correction S = Suspension
P = Proposed Rule O = JCAR Objection
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325	(A-8565/92; CC-1673)	670.10 am	(P-15265/92; A-286)
375	(A-15976/92; CC-1673)	670.60 am	(P-15265/92; A-286)
400	(A-12439/92; CC-1673)	720.10 am	(P-15260/92; A-281)
475	(A-10423/92; CC-1673)	720.40 am	(P-15260/92; A-281)
500	(A-11426/92; CC-1673)	4180.120 am	(P-13718/92; A-1521)
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575	(A-14621/92; CC-1673)	TITLE 20	
725	(A-11432/92; CC-1673)	440.10 r	(P-16371/92; A-1519)
750	(A-11418/92; CC-1673)	440.20 r	(P-16371/92; A-1519)
975	(A-19806/92; CC-1673)	525.140 am	(PP-1666)
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1075.40 n	(P-14182/92; A-142)	228.25 n	(P-9253/92; A-104)
1075.50 n	(P-14182/92; A-142)	228.30 am	(P-9253/92; A-104)
1075.60 n	(P-14182/92; A-142)	228.50 am	(P-9253/92; A-104)
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2015.30 n	(P-696)	750.3010 am	(P-15056/92; A-417)
2015.40 n	(P-696)	750.3055 am	(P-15056/92; A-417)
2015.50 n	(P-696)	750.4000 am	(P-15056/92; A-417)
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		1150.40 am	(P-17042/92; A-1554)
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		1210.25 n	(P-16374/92; A-1535)
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1300.48 am	(P-16484/92; A-1572)	750.110 n	(P-777)
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1455.30 n	(P-15785/92; A-1589)	750.130 r	(P-762)
1455.40 n	(P-15785/92; A-1589)	750.130 n	(P-777)
1455.50 n	(P-15785/92; A-1589)	750.140 r	(P-762)
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1465.200 r	(P-890)	750.150 n	(P-777)
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1455.300 n	(P-15785/92; A-1589)	750.170 r	(P-762)
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390.3210	am	(P-1296)	1235.300	n	(E-432) (P-683)
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661.70	am	(P-757)	TITLE 80		
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697.20	am	(E-1204)	310.130	am	(P-13679/92; A-238)
697.30	am	(E-1204)	310.290	am	(P-191; C-672)
750.540	am	(P-723)	310.290	am	(PP-498) (P-13179/92; A-590)
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750.4p.E	n	(P-723)	1650.230	am	(P-12384/92; A-1631)
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775.20	am	(P-906)	1650.290	am	(P-12384/92; A-1631)
775.70	am	(P-906)	1650.330	am	(P-12384/92; A-1631)
775.110	am	(P-906)	1650.340	am	(P-12384/92; A-1631)
775.140	am	(P-906)	1650.370	am	(P-12384/92; A-1631)
775.150	n	(P-906)	1650.410	am	(P-12384/92; A-1631)
785.110	am	(P-920)	1650.450	am	(P-12384/92; A-1631)
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785.200	am	(P-920)	1650.510	am	(P-12384/92; A-1631)
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785.355	n	(P-920)	1650.620	am	(P-12384/92; A-1631)
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785.1210	n	(P-920)	1650.640	am	(P-12384/92; A-1631)
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1235.20	n	(E-432) (P-683)	315.30	am	(P-202)
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100.7010	am	(P-222) (E-473)	112.78	am	(P-3335/92; A-357)
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105.120	n	(P-219) (E-445)	112.154	r	(P-14522/92; A-813)
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105.210	n	(P-219) (E-445)	112.252	am	(P-46)
105.220	n	(P-219) (E-445)	112.253	am	(P-46)
105.230	n	(P-219) (E-445)	112.254	am	(P-46)
105.300	n	(P-219) (E-445)	113.9	am	(P-13383/92; A-827)
105.310	n	(P-219) (E-445)	113.253	am	(P-702)
105.320	n	(P-219) (E-445)	113.260	am	(P-702)
105.330	n	(P-219) (E-445)	114.9	am	(P-13395/92; A-1091)
105.340	n	(P-219) (E-445)	116.400	am	(P-13764/92; A-1078)
105.400	n	(P-219) (E-445)	116.520	r	(P-13764/92; A-1078)
105.410	n	(P-219) (E-445)	116.400	am	(P-13764/92; A-1078)
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105.440	n	(P-219) (E-445)	120.75	n	(P-711)
105.450	n	(P-219) (E-445)	120.385	r	(P-14544/92; A-1102)
105.460	n	(P-219) (E-445)	121.3	am	(P-13385/92; A-644)
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105.500	n	(P-219) (E-445)	121.59	am	(P-13385/92; A-644)
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105.600	n	(P-219) (E-445)	140.492	am	(P-13397/92; O-1241)
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104.216	am	(P-540) (E-659)	309.4	r	(P-7982/92; A-1044)
110.30	am	(P-13207/92; A-640)	309.5	r	(P-7982/92; A-1044)
112.9	am	(P-13381/92; A-813)	309.6	r	(P-7982/92; A-1044)
112.70	am	(P-3335/92; A-357)	309.7	r	(P-7982/92; A-1044)
112.71	am	(P-3335/92; A-357)	309.8	r	(P-7982/92; A-1044)
			309.9	r	(P-7982/92; A-1044)
			309.10	r	(P-7982/92; A-1044)

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336.40	n	(P-7963/92; A-1026)
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336.60	n	(P-7963/92; A-1026)
336.70	n	(P-7963/92; A-1026)
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336.90	n	(P-7963/92; A-1026)
336.100	n	(P-7963/92; A-1026)
336.110	n	(P-7963/92; A-1026)
336.120	n	(P-7963/92; A-1026)
336.130	n	(P-7963/92; A-1026)
336.140	n	(P-7963/92; A-1026)
336.150	n	(P-7963/92; A-1026)
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